

## TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

### CHAPTER 200: POLICE DEPARTMENT

*Cross References—As to obedience to police officers in emergency situations, see §310.020; as to impersonating police officers, etc., see §215.050; as to resisting or interfering with police officers, etc., see §215.060; as to personnel generally, see ch. 130.*

### ARTICLE I. GENERAL PROVISIONS

#### SECTION 200.010: SUPERVISION AND CONTROL GENERALLY

The Council and Mayor shall exercise a general supervision and control over the Police Department of the City and shall make such needful rules and regulations for the government and control of the Police Department as they may think best. (CC 1979 §24-11; Ord. No. 229 §1, 11-6-34)

#### SECTION 200.020: POLICE DEPARTMENT POSITIONS

The City of Monett Police Department positions will be:

- 11 Chief of Police
- A.2. Lieutenant
- A.3. Sergeants
- A.4. Detective Corporal
- A.5. Communications Chief
- A.6. Patrol Officer
- A.7. Communications Officers
- A.8. Animal Control Officer
- A.9. Administrative Assistant
- A.10. Publication Education Coordinator. (CC 1979 §24-11.1; Ord. No. A-5460 §§1-2, 12-20-91; Ord. No. A-6440 §1, 2-10-97; Ord. No. A-6610 §1, 12-16-97)

#### SECTION 200.030: APPOINTMENT OF, POWER AND AUTHORITY AND COMPENSATION OF POLICE OFFICERS

The Council shall, at any time they may deem it necessary to do so, appoint for such time as they may think proper one (1) or more competent persons to act as regular City Police Officers who shall be commissioned by the Mayor. Such Police Officers and full-time non-commissioned Police Department employees and reserve officers shall be a resident of the State of Missouri, provided however, that any new employee who resides outside the State of Missouri shall have one hundred eighty (180) days from the time of employment to comply with said residence requirements within the State. Such Police Officers and full-time non-commissioned Police Department employees and

reserve officers shall receive compensation as the Council shall deem proper and right and may be discharged at the pleasure of the Council. (Ord. No. A-6123 §1, 5-5-95; Ord. No. A-7158 §§1-2, 4-24-02; Ord. No. 7676, 8-16-06)

*Editor's Note—Ord. no. A-6122 repealed §200.030 which originally derived from CC 1979 §24-12 and ord. no. 772 §11, 12-2-24. At the editor's discretion ord. no. A-6123 was then set out in this position.*

**SECTION 200.040: POLICE OFFICERS, CONSERVATORS OF PEACE—SUPERVISION—  
POWERS AND DUTIES**

- B. The members 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.
- C. The Chief of Police shall, in the discharge of his duties, be subject to the orders of the Mayor only; the Deputy Chief of Police and all other members of the Police Department shall be subject to the orders of their superiors in the Police Department and the Mayor only.
- D. Every member of the Police Department shall have power at all times to make or order an arrest with proper process for any offense against the laws of the City or the State, and to keep the offender in the City prison or other proper place to prevent his escape until a trial can be had before the proper officer, unless such offender shall give a good and sufficient bond for his appearance for trial, and shall also have power to make arrests without process in all cases in which any offense against the laws of the City or the State shall be committed in his presence. Every member of the Police Department is also empowered to serve and execute all warrants, subpoenas, writs or other process issued by the judge hearing and determining municipal ordinance violation cases of the City at any place within the limits of the County or Counties within which the City is located. Every member of the Police Department shall have the power to make or order an arrest in areas leased or owned by the municipality outside of the boundaries of such municipality.
- E. It shall be the duty of the Chief of Police or in his absence the Deputy Chief of Police to collect all fines assessed for violations of municipal ordinances if not otherwise collected and pay the same into the City Treasury.

**SECTION 200.050: PROBATIONARY PERIOD OF EMPLOYMENT**

After a Police Officer of the City is employed by the City, such Police Officer shall be on probation and not a regular employee of the City for a period of six (6) months or until such time as the Chief of Police of the City recommends that such officer be removed from such probationary status. (CC 1979 §24-13; Ord. No. A-2835 §1, 2-10-70)

**SECTION 200.060: MEMBERS SUBJECT TO ORDERS OF SUPERIORS**

The members of the Police Department shall be subject only to the orders of their superiors in the Police Department and the Mayor. (CC 1979 §24-14; Ord. No. A-5460 §1, 12-20-91)

§ 200.070

Police Department

§ 200.070

**SECTION 200.070: ARRESTS WITH OR WITHOUT PROCESS**

Every member of the Police Department shall have the power at all times to make or order an arrest with proper process for any offense against the laws of the City and to keep the offender in the City Prison or other proper place to prevent his/her escape until a trial can be had before the proper Officer, unless such offender shall give a good and sufficient bond for his/her appearance for trial, and shall also have the power to make arrests without process in all cases in which any offense against the laws of the City shall be committed in their presence. (CC 1979 §24-15)



**SECTION 200.080: AUTHORITY TO SUMMON AID**

In the execution of his/her duties and powers in arresting, with or without a warrant, any person accused or suspected of a crime or the violation of any provision of this Code or other City ordinance, or in the suppression of any riot or unlawful gathering or assemblage, or in the prevention of the violation of any law or ordinance, the Chief of Police or any Police Officer shall have the power and right to require aid of all citizens and bystanders. (CC 1979 §24-16; Ord. No. 772 §7, 12-2-24; Ord. No. A-5460 §1, 12-20-91)

**SECTION 200.090: DUTIES OF POLICE OFFICERS GENERALLY**

The Police Officers shall be attentive and vigilant in preserving the peace and good order of the City and at all times shall be alert and make arrests or complaints for violations of this Code or other City ordinances. In all cases they shall report the facts and witnesses to sustain the same to the Municipal Judge and City Attorney and shall perform all such other duties as are usually performed by the Chief of Police. (CC 1979 §24-17; Ord. No. 772 §10, 12-2-24)

**SECTION 200.100: REPORTS OF POLICE OFFICERS TO CHIEF OF POLICE**

It shall be the duty of the Police Officers to report to the Chief of Police all violations of any law or ordinance of the City and the name of the person engaging in such violation. They shall each report to the Chief of Police for instructions before entering upon their daily duties, and in case of his/her absence, they shall report to the acting Chief of Police. (CC 1979 §24-18; Ord. No. 772 §13, 12-2-24)

**SECTION 200.110: SPECIAL POLICE OFFICERS**

Special Police Officers may be appointed by the City Council in case of extraordinary occasions or emergencies and shall be discharged as soon as the emergency calling for their appointment shall cease to exist. While acting as such Special Police Officers, they shall receive for their services such sum as the City Council shall deem just and right. Such Special Police Officers shall have the same powers and perform the same duties as other Police Officers. (CC 1979 §24-19; Ord. No. 772 §12, 12-2-24)

**SECTION 200.120: BADGES**

- A. All regular Police Officers, while on-duty, shall wear as their badge of office gold shields of uniform size bearing the inscription "Monett Police." Special Police Officers shall wear such emblem as the Council shall provide by ordinance. All badges shall be worn in such a manner as to be plainly visible at all times.
- B. It shall be unlawful for any person to use or wear any such shield or badge without being duly commissioned and having the right to so wear and display it, and any person violating the terms of this Section shall be deemed guilty of a misdemeanor.

(CC 1979 §24-20; Ord. No. 772 §16, 12-2-24)

**SECTION 200.130: DISPOSITION OF PROPERTY OR MONEY RECOVERED**

Any property or money taken or recovered by members of the Police Department shall at once be inventoried by the Officer taking or recovering the same, giving all particulars thereof, and shall then, together with the inventory, be turned over to the Chief of Police or his/her representative, who shall execute a receipt for the same. The Chief of Police shall retain such property or money until the same is delivered to the owner or other parties or until otherwise ordered by the court.  
(CC 1979 §24-22; Ord No 772 §19, 12-2-24)

**SECTION 200.140: RECEIVING FEES, REWARDS OR GIFTS—COMPENSATION FOR ABSENCE FROM DUTY**

No Police Officer shall receive or accept any fee, reward or gift of any kind from any person whatever, nor shall he/she receive pay for the time he/she has been absent with or without leave from duty, except as provided in Chapter 130 of this Code or other City ordinances governing absence or leaves with pay of City personnel. (CC 1979 §24-23; Ord. No. 772 §20, 12-2-24)

**SECTION 200.150: VISITING SALOONS, BAWDY HOUSES, ETC.,—DRINKING ON DUTY—ASSOCIATING WITH IMMORAL PERSONS**

No member of the Police Department shall, while on-duty or clothed in the uniform of his/her office, visit any saloon, bawdy house or house of assignation, ill fame or bad repute, except in his/her official capacity on police business. No member of the Police Department, while on-duty, shall drink any intoxicating liquor of any kind. No member of the Police Department shall associate with persons of known bad and immoral character and habits.  
(CC 1979 §24-24; Ord. No. 772 §21, 12-2-24)

*Cross References—As to drinking in public generally, see §215.480 of this code.*

**SECTION 200.160: INTOXICATION OR SLEEPING ON DUTY—MISTREATING PRISONERS, ETC.**

Any Officer of the Police Department who shall be found in a state of intoxication or asleep while on-duty or who shall wilfully abuse or mistreat a prisoner or other person shall be discharged from the service of the City. (CC 1979 §24-25; Ord. No. 772 §22, 12-2-24)

**SECTION 200.170: POLICE OFFICERS PROHIBITED FROM FOLLOWING OTHER CALLING—EXCEPTION— PERSONAL CONDUCT OF POLICE OFFICERS GENERALLY**

- A. Every member of the Police Department shall devote his/her whole time and attention to the business of the City and is expressly prohibited from following any other calling or being employed in any other business; provided, that the Chief of Police may, upon written application from a member of the Police Department, permit outside employment when, in the opinion of the Chief of

Police, such employment does not interfere with the member's performance of his/her police duties. Whenever any such permission for other employment is granted by the Chief of Police and it later appears to the Chief of Police that such employment is interfering in any way with the member's police duties,

the Chief of Police may order that such outside employment terminate immediately, and should such employment not be terminated immediately, the member shall be dismissed from the Department.

- B. Although certain hours are allotted to the respective members for the performance of duty on ordinary occasions, at all times they must be prepared to act immediately on notice that their services are required. Punctual attendance, prompt obedience to orders and conformity to the rules of the City will be rigidly demanded. Every member of the Force shall perform his/her duty in a quiet, civil and orderly way; he/she must use good judgment and discretion, yet when required, must act with firmness and with sufficient energy to properly perform his/her duty, but he/she must at all times control his/her temper and refrain from the use of harsh, violent, coarse, profane or insolent language or willfully maltreating a prisoner, citizen or other person. Any violation of this Section shall be grounds for immediate discharge of any member of the Police Department. (CC 1979 §24-26; Ord. No. 772 §23, 12-2-24; Ord. No. A-4601 §1, 11-13-84; Ord. No. A-6443 §1, 2-10-97)

### **SECTION 200.180: SUSPENSION AND REMOVAL OF MEMBERS GENERALLY**

Any Officer of the Police Department or any member thereof who shall wilfully violate any of the provisions of this Chapter may be suspended by the Mayor until the next regular meeting of the City Council, with forfeiture of any pay during suspension, and if, upon a hearing before the City Council, the charges shall be sustained, any such Officer or member shall be dismissed from the Force. (CC 1979 §24-27; Ord. No. 772 §24, 12-2-24)

### **SECTION 200.190: ADDITIONAL DUTIES OF POLICE OFFICERS**

In addition to the foregoing provisions of this Article, all members of the Police Department shall, while on-duty, observe the following regulations:

- .1. *Appearance.* All regular Police Officers assigned to uniform duty shall appear at all times in full uniform when on-duty and at all times shall be immaculate, clean and presentable to the public.
- .2. *Duty to keep watch on persons of bad character.* The Police Officers shall keep a strict watch of the conduct of all persons of bad character and shall note the time of the appearance of any such person, the circumstances relating thereto and the premises that such person may enter and report the same to the Chief of Police.
- .3. *Going off-duty.* No Police Officer shall go off-duty until regularly relieved, without special permission from the Chief of Police.
- .4. *Entering houses, etc.* No Police Officer shall enter any house or other place, except in the immediate execution of his/her duties.
- .5. *Dangerous materials, etc., in streets.* If any Police Officer observes in the street anything likely to produce danger or public inconvenience or anything which seems to him/her irregular and offensive, he/she shall either remove the same or report it immediately to the Chief of Police.

- .6. *Absence from city.* No member of the Police Department shall absent himself/herself from the City or from duty without permission from the Chief of Police or his/her designated representative.

- .7. *Payment of debts.* Police Officers must pay all honest debts as speedily as possible and avoid delinquencies being forced upon the attention of the Council. Disregard for this rule shall be punished by reprimand, suspension or dismissal.
- .8. *Changes of address.* Every member of the Police Department shall report all changes of address to the Chief of Police.
- .9. *Accident reports.* Every member of the Police Department, when his/her attention is drawn to any accident occurring on any City street, shall make a report thereof in writing, stating the time of the accident, its exact location, the name and address of every person sustaining injury, if any, the nature of the injury, the name and address of each witness and all other relevant matters which may come to his/her attention.
- .10. *Converting City vehicles to personal use; transporting private persons.* No member of the Police Department shall convert the use of any motor vehicle owned, used or controlled by the City to his/her own private use or to the use of any private person, or transport any private person without orders from the Chief of Police or Mayor, except when necessary in the performance of his/her official duties. (CC 1979 §24-28)

**SECTION 200.200: POLICE OFFICERS AND FIREFIGHTERS TO HAVE HEPATITIS B SHOTS IF THEY SO ELECT**

Hepatitis B shots for the members of the Police and Fire Departments of the City, except Communications Officers, electing to have the same, shall be paid for by the City. (CC 1979 §24-1; Ord. No. A-5341 §1, 1-31-91)

**ARTICLE II. CHIEF OF POLICE**

**SECTION 200.210: APPOINTMENT—TERM—QUALIFICATIONS**

The Chief of Police shall be appointed by the City Council and shall hold office until his/her successor shall be appointed and qualified. No person shall be appointed Chief of Police unless he/she is, at the time of his/her appointment, a citizen of the United States, and unless he/she is a person of good moral character. Any person appointed Chief of Police by the City Council shall become a legal resident of the City of Monett within sixty (60) days of his/her appointment. (CC 1979 §24-29; Ord. No. A-6359 §1, 10-3-96)

**SECTION 200.220: RESPONSIBILITY FOR GOVERNMENT AND CONTROL OF POLICE OFFICERS—SUPERVISION BY MAYOR AND COUNCIL—RULES AND REGULATIONS FOR GOVERNMENT AND CONTROL OF DEPARTMENT**

The Chief of Police shall be held responsible for the government and discipline of all regular and special Police Officers. He/she shall, in the discharge of his/her duties, be subject to the orders of the Mayor and Council. He/she shall, in conjunction with the Mayor and Council, make such

needful rules and regulations for the government and control of the Police Department as they may think best and proper. (CC 1979 §24-30; Ord. No. 772 §5, 12-2-24)

§ 200.230  
§ 200.260

Police Department

**SECTION 200.230: RESPONSIBILITY FOR ENFORCEMENT OF LAWS AND ORDINANCES, PRESERVATION OF PUBLIC PEACE, ETC.**

The Chief of Police will be held strictly responsible for the enforcement of this Code and other ordinances of the City and the laws of the State, the preservation of the public peace and the protection of life and property therein. (CC 1979 §24-31; Ord. No. 772 §25, 12-2-24)

**SECTION 200.240: DUTIES GENERALLY**

It shall be the duty of the Chief of Police:

- .1. Diligently to inquire into and report to the Municipal Judge and to the City Attorney all violations of this Code and other City ordinances and to prosecute all persons guilty thereof.
- .2. To arrest and take into custody any person who shall be found in any public place within the City doing any act in violation of the law or this Code or other ordinances of the City, and for any offense being committed in his/her presence the Chief of Police may arrest such offender without a warrant.
- .3. To cause to be abated or removed, in the manner provided by law, any nuisance found within the City and declared to be such by the Council as provided in this Code or other ordinance.
- .4. To execute all orders or process issued by the Mayor or Municipal Judge and make a proper return thereof, according to law.
- .5. To keep a correct account of all money which may come into his/her hands as Chief of Police, from whatsoever source, stating by whom and on what account the same was paid.
- .6. To attend the Municipal Court when in session, either in person or by deputy, preserve order therein and execute all process and orders of the same. (CC 1979 §24-32)

**SECTION 200.250: EXECUTION AND SERVICE OF NOTICES AND ORDERS—  
COLLECTION OF FINES—BOOKS AND PAPERS OF OFFICE**

In addition to the duties of the Chief of Police prescribed by law, he/she shall execute all orders and serve all notices which are or may be necessary to be executed or served, when directed to do so by the Mayor. He/she shall collect all fines assessed in the Municipal Court and pay the same into the City Treasury. He/she shall well and safely keep all books and papers belonging to the office of Chief of Police and, at the expiration of his/her term of office, deliver the same in good order to his/her successor. (CC 1979 §24-33)

**SECTION 200.260: BADGE**

As his/her badge of office the Chief of Police shall wear a gold shield with the inscription "Chief of Police" thereon in such manner as may be easily observed. (CC 1979 §24-34)

§ 200.270  
§ 200.320

Monett City Code

**SECTION 200.270: MONTHLY REPORT TO COUNCIL**

The Chief of Police shall give, in writing, to the City Clerk monthly a full account of all money that may have been received and paid out by him/her by virtue of his/her office and the fees collected by him/her and by whom paid. (CC 1979 §24-35)

**SECTION 200.280: ALERTNESS AND VIGILANCE IN PERFORMANCE OF DUTIES—  
REPORTS OF NEGLIGENCE OF DUTY ETC., BY POLICE OFFICERS**

The Chief of Police shall be active and vigilant in preserving the peace and good order of the City and at all times shall be on the alert to suppress any riot or disorder in the City, make arrests and complaints for violations of this Code and other City ordinances and report the facts and witnesses to sustain the same to the Municipal Judge or City Attorney; shall report any neglect of duty or misconduct of any Police Officer that may come to his/her knowledge or observation to the Mayor; and shall perform all other duties required of him/her by law and the provisions of this Chapter. (CC 1979 §24-36)

**SECTION 200.290: DEPOSIT OF FINES AND COSTS**

The Court Clerk shall deposit weekly with the collections office all fines collected during the preceding seven (7) days and take duplicate receipts therefor, showing by whom such fines have been paid and the date thereof. (CC 1979 §24-38; Ord. No. 7593 §1, 8-22-05)

**SECTION 200.300: RECORD OF MEALS FURNISHED PRISONERS**

The Chief of Police shall keep a record of all meals furnished to prisoners in the City Jail. Such record shall be delivered to the Council on request. (CC 1979 §24-39)

**SECTION 200.310: REMOVAL FROM OFFICE OF CHIEF**

The Chief of Police may be removed from office by ordinance in the same manner as other Officers and employees of the City are removed from office. (CC 1979 §24-41)

**ARTICLE III. UNIFORMS AND EQUIPMENT**

**SECTION 200.320: PURCHASE BY CITY**

All uniforms, accessories and other equipment as specified in this Article shall be purchased by the City for the Chief of Police and each regular Police Officer in the employ of the City in excess of six (6) months. All regular Police Officers in the employ of the City less than six (6) months shall be on probation and shall be furnished only the uniform of the season as provided in this Article. (CC 1979 §24-42; Ord. No. A-2053 §1, 9-19-63; Ord. No. A-5460 §1, 12-20-91)

§ 200.330  
§ 200.360

Police Department

**SECTION 200.330: ARTICLES TO BE PURCHASED BY CITY ENUMERATED—  
GENERALLY**

The following articles shall be purchased by the City for the Chief of Police and each regular Police Officer as provided in Section 200.320:

- .1. Three (3) plain winter shirts, long sleeve.
- .2. Three (3) summer shirts, short sleeve.
- .3. Three (3) pairs of trousers.
- .4. One (1) felt campaign hat and one (1) straw summer campaign hat and one (1) band.
- .5. One (1) rain cap cover.
- .6. Three (3) ties.
- .7. One (1) raincoat.
- .8. Two (2) collar ornaments.
- .9. One (1) name plate.
- .10. One (1) set leather accessories.
- .11. One (1) all weather coat. (CC 1979 §24-43; Ord. No. A-2053 §3, 9-19-63; Ord. No. A-5460 §1, 12-20-91)

**SECTION 200.340: ARTICLES TO BE PURCHASED BY CITY  
ENUMERATED—REVOLVER  
AND ADDITIONAL EQUIPMENT**

In addition to the provisions of Section 200.330, the City shall furnish to the Chief of Police and each regular Police Officer one (1) weapon for use while on-duty, and the ammunition therefor, and shall furnish such other equipment as the Chief of Police and the Mayor shall specify. (CC 1979 §24-44; Ord. No. A-2053 §4, 9-19-63; Ord. No. A-5460 §1, 12-20-91)

**SECTION 200.350: CLEANING, CARE AND MAINTENANCE**

The City of Monett shall be responsible for the cleaning, care and maintenance of all uniforms, accessories and equipment furnished by the City. (CC 1979 §24-45; Ord. No. A-2053 §5, 9-19-63; Ord. No. A-5460 §1, 12-20-91)

**SECTION 200.360: CITY TO RETAIN OWNERSHIP—REPLACEMENT**

All uniforms, accessories and equipment furnished by the City shall remain the property of the City and shall be replaced by the City when the same are lost, damaged or destroyed in the course of employment of the City. Replacements by reason of ordinary wear shall be made by the City upon

§ 200.360  
§ 200.380

Monett City Code

recommendation of the Chief of Police and approval by the Mayor.  
(CC 1979 §24-46; Ord. No. A-2053 §6, 9-19-63)

**SECTION 200.370: LIMITATIONS ON USE**

All uniforms, accessories and equipment furnished by the City shall be worn or used only in the regular course of employment by the City and for no other purpose. Any person who shall violate the provisions of this Section shall be subject to disciplinary action, including summary dismissal in the discretion of the Council. (CC 1979 §24-47; Ord. No. A-2053 §7, 9-19-63)

**ARTICLE IV. POLICE RESERVE UNIT**

**SECTION 200.380: POLICE RESERVE UNIT**

- A. *Establishment.* There is hereby established in the Police Department of the City of Monett, Missouri, a section to be known as Monett Police Reserve Unit, which shall consist of no more than fifteen (15) members, male or female. Members of said Unit shall be those persons duly commissioned as members thereof by the City in the manner and subject to the provisions hereinafter set forth.
- B. *Authority Of Chief Of Police—Qualifications.* The Monett Police Reserve Unit shall be under the authority, command and control of the Chief of Police, subject to the provisions hereinafter set out. To become a member of the Monett Police Reserve Unit, at least twenty-one (21) years of age, and a resident of the State of Missouri for at least three (3) years prior to his/her appointment and a person of good moral character.
- C. *Application.* Prospective members of the Monett Police Reserve Unit shall make written application to the Chief of Police for membership in said unit on forms provided by the Chief of Police, which said application shall be submitted under oath. As a part of said application, the applicant shall agree to comply fully with the terms and conditions hereinafter referred to. Any false statement given in the application for membership shall be grounds for immediate dismissal from the Monett Police Reserve Unit.
- D. *Rules And Regulations.* The Chief of Police is hereby authorized and directed to compile rules and regulations for the guidance and direction of the members of the Monett Police Reserve Unit, which rules and regulations are to be submitted to the City Council for its approval and upon approval, shall be in full force and effect. If amendments to said rules are required from time to time, said amendments shall also be approved by the City Council before taking effect.
- E. *Registration And Oath Of Members.* No person shall be deemed to be a member of the Monett Police Reserve Unit until he/she has been registered as such in a roster to be maintained by the Chief of Police, has furnished proof of hospitalization insurance, and has agreed to indemnify the City from all responsibility from any illness or injury occurring while on-duty as a member of the Monett Police Reserve Unit, and until he/she has taken an oath that he/she will observe and obey the Constitution of the United States, the Constitution of the State of Missouri, and the laws of the

Nation, State and City and that he/she will carry out the duties of a member of the Monett Reserve Unit to the best of his/her ability.

- F. *Compensation Of Members.* Members of the Monett Police Reserve Unit shall serve with pay as determined by the Council from time to time.

- G. *Members Not Regular Police Officers.* The Monett Police Reserve Unit is separate and distinct from the Police Department, and its members are not members of the regular Police Department, are not regular employees within the meaning of the Police and Firemen's Pension Fund, and not entitled to the benefits thereof. The members of the Monett Police Reserve Unit shall be considered special members of the Police Department and shall not be subject to any of the terms of any ordinance providing pensions or other benefits for members of the regular Police Department.
- H. *Identification Of Members.* An identification card and such other insignia or evidence of identity as the Chief of Police may prescribe shall be issued to each member of the Monett Police Reserve Unit, who must carry the card and any other identification at all times while on-duty, and he/she must surrender them upon the termination of his/her membership in the Monett Police Reserve Unit for any reason.
- I. *Termination Of Membership.* The membership of any person in the Monett Police Reserve Unit may be terminated by the Chief of Police at any time, and any member may resign from the Force at any time, but it shall be his/her duty to notify the Chief of his/her resignation. In addition to the penalties provided by law, any violation of law under color of the performance of his/her duties as a member of the Monett Police Reserve Unit and any breach of the rules and regulations established by the Chief of Police shall subject any member to immediate and summary termination of his/her membership in said Unit and the fact thereof may be published at the order of the Chief of Police.
- J. *Duties Generally.* The duties of the Monett Police Reserve Unit, subject at all times to the direction, supervision and control of the Chief of Police, shall be to assist regular members of the Monett Police Department in the enforcement of law and the maintenance of peace and order during an emergency of war, great common peril, or in a situation where the regular Police Department is deemed by the Chief of Police to be inadequate for the occasion. The Chief of Police may prescribe duties other than those mentioned herein to be performed by the Monett Police Reserve Unit, not inconsistent with the provisions herein.
- K. *Obedience To Instructions Of Police Officers.* The Chief of Police may command members of the Monett Police Reserve Unit to obey the instructions of regular Police Officers in carrying out their duties, and no member of the Monett Police Reserve Unit shall have authority to give orders or instructions to regular Police Officers of the City.
- L. *Possession And Use Of Weapons.* No member of the Monett Police Reserve Unit shall, while off-duty, carry or use any firearm or other weapon except on the express written order of the Chief of Police.
- M. *Entry Into Private Property.* No member of the Monett Police Reserve Unit shall break into or otherwise forcibly enter upon any private property or enter the dwelling or habitation of another without the consent of the owner or occupant, except when immediately accompanied by a regular member of the Monett Police Department who then and there requests his/her aid in the enforcement of the law.
- N. *Power To Arrest.* A member of the Monett Police Reserve Unit shall be a conservator of the peace and shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace or be found violating any ordinance of the City of Monett or law of the State of Missouri.

- O. *Impersonation Of Member.* It shall be unlawful for any person to wear, carry or display a Monett Police Reserve Unit identification card or insignia or otherwise deceitfully represent himself/herself to be connected with said Unit, unless he/she is in fact a member thereof.

§ 200.380  
§ 200.400

Monett City Code

- P. *Training.* Each newly appointed member of the Monett Police Reserve Unit shall complete satisfactorily the minimum number of hours of police training as established pursuant to Chapter 590, RSMo. (CC 1979 §24-49; Ord. No. A-4998 §1, 6-10-88; Ord. No. A-6031 §1, 11-10-94)

**ARTICLE V. INSTALLATION OF ALARM**

**SIGNALS**

**SECTION 200.390: INSTALLATION OF ALARM SIGNALS—GENERALLY**

- A. The City will permit the installation by public and private persons of alarm signals, such as fire alarms, intrusion alarms, room temperature and boiler alarms, in the Police Station of the City upon the following conditions:
- A.1. There shall be paid in advance to the City fifty dollars (\$50.00) per year for the first (1st) alarm installed in connection with any single premises, and twenty-five dollars (\$25.00) per year for each additional alarm installed in connection with a single premises.
- A.2. The City shall assume no liability or responsibility by reason of such installation.
- A.3. The party installing such alarm signal shall agree that the City and all employees of the City shall be under no liability of any kind or nature by reason of the installation of such signals or any action or non-action in connection therewith.
- B. Installation of such an alarm signal shall constitute an agreement by the party causing the same to be installed releasing the City and all employees of the City from all liability arising from or connected with the installation and maintenance of such signals and a further agreement that the party causing the same to be installed shall indemnify and save the City and all employees of the City from all liability of any kind or nature arising from or connected with the installation and maintenance of such alarm signal.
- C. Upon application to and approval of the Police Chief, the Mayor is authorized and directed to execute on behalf of the City an agreement permitting the installation of signals by the applicant upon the terms and conditions of an agreement, a form for which may be found on file in the office of the City Clerk, and the City Clerk is authorized and directed to attest the execution of such contracts and to affix the Corporate Seal thereto. (CC 1979 §11-5; Ord. No. A-3686 §§1–2, 5-21-76; Ord. No. A-3835 §1, 7-8-77)

**ARTICLE VI. MISCELLANEOUS PROVISIONS**

**SECTION 200.400: EMERGENCY SITUATION OUTSIDE THE CITY LIMITS OF MONETT**

- A. Any Police Officer of the City of Monett, Missouri, who has completed the basic training program established by Chapter 590, RSMo., shall have the authority to respond to an emergency situation outside the boundaries of the City of Monett; provided, however, that such authorization to respond

shall exist only within the jurisdictions described in Subsection (C) below. As provided herein, "*emergency situation*" means any situation in which the Police Officer has a reasonable belief that a crime is about to be committed, is being committed, or has been committed involving injury or threat of injury to any person, property, or governmental interest, and the Officer's response is reasonably necessary to prevent or end such emergency situation or mitigate the likelihood of

injury involved in such emergency situation. The determination of the existence of any emergency situation shall be in the discretion of the Officer.

- B. The term "*response*" as used in this Section, shall mean to take any and all action which the Police Officer may lawfully take as if exercising normal powers within the City of Monett.
- C. The authority contained herein shall permit the response by one or more City of Monett Police Officers in any one of the following jurisdiction within the State of Missouri until the emergency situation has been adequately taken into control, in the discretion of the Officer, by another appropriate jurisdiction, to-wit: the Cities of Pierce City, Purdy, and Cassville, Missouri and the Counties of Barry and Lawrence.
- D. Every response to an emergency outside City limits of Monett, Missouri, shall be reported by the Chief of Police to the Mayor with an explanation of the reason for the response.
- E. Notwithstanding anything to the contrary within this Section, if the Cities of Pierce City, Purdy, and Cassville, Missouri and the Counties of Barry and Lawrence have not passed appropriate legislation authorizing Police Officers of the City of Monett to respond within that jurisdiction within sixty (60) days of the date hereof, then this Section shall be void and of no effect whatsoever as to the authority of the Officers of the City of Monett to respond within such jurisdiction(s). (Ord. No. A-6050 §§1-5, 12-94)

**SECTION 200.405: PUBLIC SAFETY OFFICIALS TO PROVIDE MUTUAL AID OR EMERGENCY ASSISTANCE—WHEN**

- A. Under the authority set forth in Section 70.837, RSMo., the City of Monett Police Department and/or the City of Monett Fire Department are hereby authorized to respond and provide assistance as needed by a public safety agency of this State upon receipt of a mutual aid or emergency aid request.
- B. The City of Monett Police Department and/or the City of Monett Fire Department may provide assistance to any other public safety agency in this State at the time of a significant emergency such as fire, earthquake, flood, hazardous materials incident or other such emergency.
- C. The Chief of Police of the City of Monett and/or the Chief of the Fire Department of the City of Monett, or the highest ranking officer on duty in the Chief's absence, may cause his/her Department to render such aid to any requesting agency as long as in his/her judgment, equipment and manpower can be safely taken out of the City of Monett, or dispatched within the City of Monett, at the time and under the circumstances then existing, giving the highest consideration to the safety of the citizens of the City of Monett. (Ord. No. A-6578 §§1-3, 9-22-97)

**SECTION 200.410: EXCESSIVE FORCE**

- A. The City hereby adopts and will enforce this policy prohibiting the use of excessive force by Law Enforcement Agencies within its jurisdiction against any individual engaged in non-violent civil

rights demonstrations. The City also prohibits the physical barring of any entrance or exit to such a facility and will enforce all applicable State laws regarding same.

- B. Any person found to be violating any provision of this Section shall be served by the City with written notice stating the nature of the violation.

§ 200.410

Monett City Code

§ 200.420

- C. Any person guilty of this violation shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- D. Any person violating any of the provisions of this Section shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation. (Res. No. A-6323 Art. I–II, 7-24-96)

**SECTION 200.420: ESTABLISHING GUIDELINES FOR REPORTING INCIDENTS–R-1  
SCHOOL DISTRICT**

The Monett Municipal Chief of Police is hereby ordered and directed to enter into an Agreement For Reporting Incidents of Alleged Third Degree Assault on School Property, Buses or During School Activities. A copy of said Agreement is on file in the City offices and made a part hereof as if fully set out herein. (Ord. No. A-6580 §1, 9-22-97)

## CHAPTER 205: FIRE DEPARTMENT AND FIRE

### PREVENTION

*Editor's Note—Ordinance No. A-4398, adopted on September 27, 1982, consists of a contract between the cities of Monett and Aurora for an interchange of services of the fire departments of the two cities. Such contract became effective on September 27, 1982, and will terminate on December 31, 1986. Ordinance No. A-4398 has not been codified as part of this volume. Rather, it has been saved from repeal by the ordinance adopting this codification. A copy of ordinance no. A-4398 may be found on file in the office of the city clerk.*

*Cross Reference—As to firefighter receiving hepatitis B shots at the expense of the city, see §200.200.*

### ARTICLE I. FIRE DEPARTMENT

#### SECTION 205.010: COMPOSITION

A. The City of Monett Fire Department positions will be as follows:

Fire Chief  
Deputy Fire Chief  
Two (2) Captains  
Three (3) Lieutenants  
Firefighters  
Volunteer Firefighters

B. The Deputy Fire Chief and the two (2) Captains shall each be charged with supervisory duties for their respective shifts.

C. All members of the Fire Department shall be at least twenty-one (21) years of age and shall live within ten (10) miles, as measured on public roads, of the City limits. (CC 1979 §11-6; Ord. No. 522 §1, 8-13-21; Ord. No. A-5621 §§1-2, 11-20-92; Ord. No. A-6328 §§1-2, 7-24-96; Ord. No. 6688 §1, 5-13-98; Ord. No. 7677, 8-16-06)

#### SECTION 205.020: ELECTRICIANS AND EMPLOYEES ASSISTING UTILITIES SUPERINTENDENT MADE EX OFFICIO MEMBERS

All electricians and employees assisting the Utilities Superintendent shall be ex officio members of the Fire Department and shall serve in such capacity at no additional salary. (CC 1979 §11-7; Ord. No. A-424 §§1-3, 6-1-20)

#### SECTION 205.030: HEADQUARTERS

The City Council shall provide suitable headquarters for the operation of the Fire Department. (CC 1979 §11-8; Ord. No. 522 §2, 8-13-21)



**SECTION 205.040: OFFICERS GENERALLY—COUNCIL TO SELECT VOLUNTEER MEMBERS, UPON RECOMMENDATION OF CHIEF**

The Officers of the Fire Department shall be one (1) Chief and one (1) Deputy Chief, and such other Officers as the City Council may designate. All officers and members shall be active and vigilant in the discharge of their duties as Firefighters and shall do and perform all duties required of them by this Code, other ordinances of the City and the orders of the Fire Chief and the Deputy Chief. The volunteer members of the Fire Department shall be selected by the City Council, upon the recommendation of the Chief. (CC 1979 §11-9; Ord. No. 522 §3, 8-13-21; Ord. No. 6689 §1, 5-13-98)

**SECTION 205.050: FIRE CHIEF—APPOINTMENT—TERM—REMOVAL**

The Chief of the Fire Department shall be appointed by the City Council and shall hold office until his/her successor shall be appointed and qualified. No person shall be appointed Fire Chief unless he/she is, at the time of his/her appointment, a citizen of the United States, unless he/she has been a resident of the City for one (1) year next preceding his/her appointment and unless he/she is a person of good moral character. (CC 1979 §11-10; Ord. No. 522 §8, 8-13-21)

**SECTION 205.060: FIRE CHIEF—BOND—POWERS AND DUTIES GENERALLY—POLICE POWERS**

The Chief of the Fire Department, before assuming his/her duties, shall give bond to the City in such amount and with such sureties as may be established from time to time by the City Council, conditioned that he/she will faithfully discharge his/her duties and safely keep and account for and turn over to his/her successor all fire apparatus, properties and effects belonging to the City under his/her charge. He/she shall at all times have the superintending control of all members of the Department and of all fire apparatus, fire trucks, hose and all other property belonging to the Fire Department. With the approval and consent of the Council, he/she shall make such rules for the regulation of the Department as he/she may deem necessary. He/she shall have the same police powers as the Chief of Police while actually engaged in the extinguishment of fires. (CC 1979 §11-11; Ord. No. 522 §4, 8-13-21)

**SECTION 205.070: FIRE CHIEF—ABSENCE OR INABILITY TO ACT**

In case of the absence or inability of the Fire Chief to act, the Deputy Fire Chief shall discharge and perform his/her duties as Chief temporarily. In the event that both the Fire Chief and Deputy Fire Chief are absent or unable to act, the Fire Chief shall designate with the approval of the Mayor, some other suitable person to discharge and perform the duties as Chief temporarily. (CC 1979 §11-12; Ord. No. 522 §5, 8-13-21; Ord. No. 6690 §1, 5-13-98)

**SECTION 205.080: FIRE CHIEF—ATTENDANCE AT FIRES—MEMBERS OF DEPARTMENT TO OBEY ORDERS—MAINTENANCE OF EQUIPMENT**

The Fire Chief shall attend all fires that may occur in the City as far as practicable, and all orders given by him/her to any member of the Fire Department shall be promptly obeyed. He/she shall maintain all equipment in such manner as to have such equipment at all times available for use.  
(CC 1979 §11-13; Ord. No. 522 §6, 8-13-21)

**SECTION 205.085: ADDITIONAL DUTIES OF MEMBERS OF THE MONETT FIRE DEPARTMENT**

In addition to the foregoing provisions of this Article, all members of the Fire Department shall, while on-duty, observe the following regulations:

- .1. *Going off duty.* No member of the Fire Department shall go off-duty until regularly relieved, without special permission from the Fire Chief.
- .2. *Absence from City.* No member of the Fire Department shall absent himself/herself from the City or from duty without permission from the Fire Chief or his/her designated representative.
- .3. *Payment of debts.* Members of the Monett Fire Department must pay all honest debts as speedily as possible and avoid delinquencies being forced upon the attention of the Council. Disregard for this rule shall be punished by reprimand, suspension or dismissal.
- .4. *Changes of address.* Every member of the Fire Department shall report all changes of address to the Fire Chief.
- .5. *Converting City vehicles to personal use; transporting private persons.* No member of the Fire Department shall convert the use of any motor vehicle owned, used or controlled by the City to his/her own private use or to the use of any private person, or transport any private person without orders from the Fire Chief or Mayor, except when necessary in the performance of his/her official duties. (Ord. No. 6691 §1, 5-13-98)

**SECTION 205.090: FIRE CHIEF—EXAMINATION OF AND ORDERS RELATING TO PREMISES**

It shall be the duty of the Fire Chief to examine all premises in which he/she may apprehend danger from fire to exist and make such orders, in writing, in regard thereto as will, in his/her opinion, best guard against such danger. In case any person shall neglect or refuse to obey such written orders when given, such person shall be deemed guilty of a misdemeanor.  
(CC 1979 §11-14; Ord. No. 522 §7, 8-13-21)

**SECTION 205.100: BURNING WEEDS, HOUSES, ETC.**

The City Fire Department will not burn weeds, houses or any other substance at the request of any person, unless it is determined by a department head or the City Council that the same is necessary for the purposes of the City. (CC 1979 §11-15; Ord. No A-2781 §1, 10-9-69)

**ARTICLE II. FIRE PREVENTION CODE****SECTION 205.110: ADOPTION OF FIRE PREVENTION CODE**

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Monett, Missouri, and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Fire Code, including applicable Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Code of the City

of Monett, Missouri, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Monett, and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2006 Edition, published by the International Code Council, on file in the office of the City Clerk of the City of Monett, are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed in Section 205.120 of this Article. (Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7089 §1, 10-26-01; Ord. No. 8045, 5-20-11)

### **SECTION 205.120: ADDITIONS, INSERTIONS AND CHANGES**

The following Sections are hereby revised:

**Section 101.1** Insert: The City of Monett, Missouri.

**Section 103.1** Insert: The Chief of the Fire Department is the Code Officer in charge of the Department of Fire Prevention.

**Section 109.3** Insert: Misdemeanor \$500.00, 100 days.

**Section 111.4** Insert: \$50.00 to \$500.00.

**Section 3204.3.1.1** Insert: The City of Monett, Missouri.

**Section 3404.2.9.5.1** Insert: The City of Monett, Missouri.

**Section 3406.2.4.4** Insert: The City of Monett, Missouri.

**Section 3804.2** Insert: The City of Monett, Missouri.

(Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7089 §2, 10-26-01; Ord. No. 8045, 5-20-11)

### **SECTION 205.130: ESTABLISHMENT OF LIMITS**

That the limits referred to in certain Sections of the 2000 International Fire Code are hereby established as follows:

**Section 3204.3.1.1.** (limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Limits shall be the City limits of Monett, Missouri.

**Section 3404.1.** Gasoline and diesel storage tanks at service stations shall be below ground tanks or vaulted tanks.

**Section 3406.2.9.5.2.** (limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): Limits shall be the City limits of Monett, Missouri.

**Section 3406.2.4.4.** (limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): Limits shall be the City limits of Monett, Missouri.

**Section 3804.2.** (limits in which the storage of liquefied petroleum is restricted for the protection of heavily populated or congested areas): Limits shall be the City limits of Monett, Missouri. (Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7089 §3, 10-26-01)

**ARTICLE III. MUTUAL AID**

**SECTION 205.140: MUTUAL AID OR EMERGENCY ASSISTANCE REQUESTS BY THE BARRY-LAWRENCE COUNTY AMBULANCE DISTRICT**

- A. At any time the BLCAD needs assistance from the Monett Fire Department, BLCAD shall make a request through the Communications Department for "mutual aid" and/or "medical assistance." In the event there is a need for Police Department assistance the request shall be made for "mutual aid." When making a request of aid or assistance from either department, or both, BLCAD personnel shall be expected to, the extent possible and practicable, fully advise the requested agency or agencies of the nature and circumstances surrounding the request in order that the responding agency or agencies may respond appropriately. In the event information concerning the nature and circumstances is not readily available, the responding agency shall be so advised. In the unlikely event that aid or assistance cannot be rendered as requested, the requested agency shall immediately advise BLCAD that such aid or assistance cannot be rendered.
- B. Unless "mutual aid" and/or "medical assistance" cannot be rendered due to circumstances existing at the time same is requested, the Monett Fire Department shall provide "mutual aid" and/or "medical assistance" to BLCAD in the event of:
  - B.1. All residential, industrial and commercial calls in the City of Monett involving the following:
    - B.1.a. Chest pain;
    - B.1.b. Respiratory distress;
    - B.1.c. Unknown complaints;
    - B.1.d. Falls; and
    - B.1.e. Any request by the Monett Police Department.
  - B.2. All industrial calls involving trauma.
  - B.3. Motor vehicle accidents that are J-unknowns and J-2s or greater in the City of Monett and surrounding area where extrication is not available.
  - B.4. Any call where assistance is needed in removing a patient safely.
  - B.5. Any request by the Barry-Lawrence County ambulance personnel, after an on-scene assessment deems additional medical assistance is required.
  - B.6. Anytime the Barry-Lawrence County ambulance service is tied up on a prior call or out of district, fire mutual aid first responders will be notified immediately.
  - B.7. Fire mutual aid will not respond to nursing homes or doctors' offices unless there is a CODE BLUE.

- C. Unless "mutual aid" and/or "medical assistance" cannot be rendered due to circumstances existing at the time same is requested, the Monett Fire Department shall provide "mutual aid" and/or "medical assistance" to BLCAD upon request of BLCAD personnel following on-scene assessment

which indicates that said aid or assistance is required.

- D. In the event "mutual aid" and/or "medical assistance" cannot be rendered due to circumstances existing at the time same is requested, the responding agency shall render "mutual aid" and/or "medical assistance" at such time as early as possible and practicable.
- E. In the event that BLCAD personnel at any time become aware of facts or circumstances that "mutual aid" and/or "medical assistance" is not reasonably necessary, BLCAD personnel shall immediately notify the responding agency of same and cancel its "mutual aid" and/or "medical assistance" request(s) which have been previously requested.
- F. The Chief of the Monett Fire Department, the Chief of the Monett Police Department, the Police Department Communications Supervisor, and the Director of the Barry-Lawrence County Ambulance District, or their designees, shall hold meetings twice per year in January and July, the first (1st) Tuesday of the month. Notwithstanding the above, said meetings shall be conducted at any other times when deemed necessary and proper. (Ord. No. A-6579 §§1-6, 9-22-97; Ord. No. 7641, 2-21-06; Ord. No. 8098, 11-21-11)

## CHAPTER 210: ANIMALS AND FOWL

*Cross References—As to health and sanitation generally, see ch. 245; as to nuisances generally, see ch. 225; as to hitching animals to trees, awnings, etc., see §215.510; as to driving cattle or horses through park property, see §230.200; as to depositing dead animals, etc., in city reservoirs, basins or mains, see §215.350.*

### ARTICLE I. IN GENERAL

#### SECTION 210.010: KEEPING HOGS

Any person who shall keep or cause to be kept within the corporate limits any hog shall be guilty of a misdemeanor. (CC 1979 §4-2; Ord. No. 898 §1, 11-8-27)

#### SECTION 210.020: FOWL RUNNING AT LARGE

No person owning any chickens, guineas, geese, ducks, turkeys or other domestic fowl shall allow or permit the same to run at large, except on premises owned or controlled by such person. (CC 1979 §4-4; Ord. No. A-1923 §3, 4-26-62)

#### SECTION 210.030: HERDING, PICKETING OR LARIATING HORSES, CATTLE, ETC.

Any person who shall herd, picket or lariat, or shall authorize any other person to herd, picket or lariat, any horse, cattle, mule, ox, cow, heifer, calf, goat or kid, sheep or lamb within the corporate limits, at or near enough to stand on, over or across any sidewalk, street, avenue or alley thereof, shall be deemed guilty of a misdemeanor. (CC 1979 §4-5; Ord. No. 773 §16, 12-2-24)

#### SECTION 210.040: ANIMAL ABUSE AND NEGLECT

- A. *Actions Deemed Violations Of The Ordinances Of The City Of Monett.* Any person who shall cruelly overwork any domestic animal or shall cruelly drive or work the same when unfit for labor, or shall abandon the same to die, or cause the same to be carried, moved or kept in or upon any vehicle in a cruel or inhumane manner, or shall tease, beat, torment, cruelly ill treat or otherwise abuse any animal in a fashion, or shall tether, confine or restrain any animal in such a way as to permit said animal to become frequently entangled in such tether, or to render said animal incapable of accessing adequate care, adequate food, adequate health care, adequate shelter, and adequate water; or shall impound or confine or cause to be impounded or confined in any place any animal or creature and fail to supply the same during such confinement with the following:
- A.1. A structurally sound, properly ventilated, sanitary, dry and weatherproof shelter suitable for the species, age and condition of the animal, which is free of litter or hazardous substances and objects and which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The shelter shall have at a minimum a floor, walls with an opening suitable for the size of the animal and roof. Unacceptable shelter includes, but is not limited to, barrels, crates, cardboard boxes and tarpaulins;

## § 210.045

- A.2. Wholesome foodstuffs suitable for the species which is provided at suitable intervals for the species in a sanitary manner and in qualities sufficient to maintain good health in the animal considering its age and condition;
- A.3. Constant access or access at suitable intervals to a supply of clean, potable, unfrozen water, provided in a sanitary manner and in sufficient amounts for the species to maintain good health in the animal;
- A.4. Normal and prudent attention to the needs of the animal, including all required immunizations, sufficient exercise and rest, and grooming to maintain good health and the provision to each sick or injured animal of adequate veterinary care or humane death.

Nothing in this Section shall be construed so as to prevent a person from taking whatever action is necessary to defend himself/herself, another individual or an animal when endangered by an attack from an animal other than a trained dog maintained and utilized by a Law Enforcement Officer as a Police dog when such dog is under the direction and control of such officer.

- B. *Removal Of Animals—Impoundment.* Any owner, keeper or harbinger of an animal in this City by the act of owning, keeping or harboring such animal does thereby authorize the Animal Control Officer and any Police Officer to enter the yard where such animal is kept, if the officer reasonably believes that the animal is kept in an unlawful, cruel, or inhumane manner, and to examine such animal and to seize and impound such animal at the municipal animal shelter when, in said examiner's opinion, it is being kept in an unlawful, cruel or inhumane manner. The Animal Control Officer or his/her authorized representative shall have the power to remove animals from private owners and place them in the custody of said officer or his/her representative in cases where the health or safety of the animal or the public is, in the opinion of said officer, in immediate danger. Such officer shall have the power to remove such animals, except from the owner's dwelling, without the consent of the owners, for the protection of the animals or the public, and shall have the right to retain custody of such animals until the threat to the health or safety of the animals or the public, in the opinion of the officer, has been removed. Any expense incurred in such impoundment becomes a lien on the animal impounded and must be discharged before the animal is released from the custody of the Animal Control Officer. Fees for dogs, cats and other small animals shall be consistent with Section 210.241 of this Article. In the case of large animals, private livestock haulers, stables and other services may be utilized by the Animal Control Officer or his/her representative. The actual cost to the City for these services shall be charged in lieu of the schedule set forth in Section 210.041.
- C. *Disposal Of Unredeemed Animals.* When the impounded animal is not claimed by its owner and all impoundment costs satisfied within five (5) days from the date of impoundment, such animal may be sold at public or private sale for fair consideration to a person capable of providing care consistent with this Section, with the proceeds of that sale applied first to discharge of the lien, and the balance to be paid over to the owner. If no purchaser is found, the animal may be disposed of in a humane manner at the discretion of the Animal Control Officer.
- D. *Violation Of This Section.* Any person who shall violate the provisions of this Section or who shall interfere with the Animal Control Officer or his/her authorized representative in the performance of his/her duties, as set forth in this Section, shall be subject to summons to Municipal Court and upon conviction shall be punished by a fine of up to five hundred dollars (\$500.00) and costs, or ninety (90) days imprisonment, or both. (Ord. No. A-6533 §3, 7-18-97; Ord. No. 8003 §1, 10-20-10)

**SECTION 210.045: REMOVING ANIMAL FROM CUSTODY OF ANIMAL CONTROL OFFICER**

It shall be unlawful for any person to remove from the custody of the Animal Control Officer by force, deceit or otherwise, any animal which has been impounded by such officer. (Ord. No. A-6533 §3, 7-18-97)

§ 210.050  
§ 210.080

Animals and Fowl

**SECTION 210.050: TAMPERING WITH TRAPS, CAGES, ANIMAL CARRIERS, ETC., OR INTERFERING WITH DUTY OF THE ANIMAL CONTROL OFFICER**

It shall be unlawful for any person to tamper with, alter or otherwise damage any trap, cage, animal carrier or other animal control equipment or to interfere with any Animal Control Officer in the performance of his/her duty. (Ord. No. A-6533 §3, 7-18-97)

**SECTION 210.060: DOGS, FIGHTING, TRAINING TO FIGHT OR INJURING FOR AMUSEMENT OR GAIN, PENALTY—SPECTATOR, PENALTY**

- E. Any person who is knowingly present, as a spectator, at any place, building, or structure where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in Subdivision (2) of Subsection (1) of Section 578.025, RSMo., with the intent to be present at such exhibition, fighting, or injuring is guilty of an offense.
- F. Nothing in this Section shall be construed to prohibit:
  - F.1. The use of dogs in the management of livestock by the owner of such livestock or his/her employees or agents or other persons in lawful custody of such livestock;
  - F.2. The use of dogs in hunting; or
  - F.3. The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.

**SECTION 210.070: BULLBAITING AND COCKFIGHTING—PENALTY**

Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, cock or other creature, except dogs, and any person who shall encourage, aid or assist or be present thereat, or who shall permit or suffer any place belonging to him/her or under his/her control to be so kept or used, shall, on conviction thereof, be guilty of a misdemeanor.

**SECTION 210.080: RIDING OR DRIVING ANIMAL FASTER THAN MODERATE GAIT—LEAVING ANIMAL UNFASTENED OR UNGUARDED IN PUBLIC PLACE, ETC.**

It shall be unlawful for any person in the City to ride or drive, or cause to be ridden or driven, any animal in any street, highway, thoroughfare or other public place faster than a moderate gait, or to ride or drive, or cause to be ridden or driven, any such animal, or any vehicle thereto attached, in such manner as to come in collision with or strike any other object or person, or to leave any such animal standing in any street, avenue, alley or other public place without being fastened or guarded, so as to prevent its running away, or to turn any such animal loose in any street, avenue, alley or other public place. (CC 1979 §4-8; Ord. No. 264 §1, 8-17-17)



**SECTION 210.090: STOPPING, LEAVING, ETC.,—ANIMALS OR ANIMAL-DRAWN VEHICLES UPON OR ACROSS STREET CROSSINGS OR FOOTWAYS**

It shall be unlawful for any person in the City to leave, place or stop, or cause to be left or placed or stopped, any horse, mule, ass or other beast of burden, or any hack, coach, carriage, wagon, cart, dray, sleigh, sled or other animal-drawn vehicle of any kind in, upon or across any street crossing or footway. (CC 1979 §4-9; Ord. No. 264 §6, 8-17-17)

**SECTION 210.100: HORSES, MULES, ETC.,—DRIVING IMMODERATELY OR RECKLESSLY WHEN ATTACHED TO VEHICLES**

It shall be unlawful for any person to drive or cause to be driven any horse, mule or other animal, attached to any vehicle, sled or sleigh, in an immoderate or reckless manner upon any public street, alley or public ground within the corporate limits. Any person violating this Section shall be deemed guilty of a misdemeanor. (CC 1979 §4-10; Ord. No. 773 §34, 12-2-24)

*Cross Reference—As to motor vehicles and traffic generally, see Title III of this code.*

**SECTION 210.110: HORSES, MULES, ETC.,—RIDING IMMODERATELY OR RECKLESSLY—RACING**

Any person who shall ride a horse, mule or other animal on any public street or alley or public grounds within the corporate limits in an immoderate or reckless manner, or any person who shall race thereon, shall be deemed guilty of a misdemeanor. (CC 1979 §4-11; Ord. No. 773 §35, 12-2-24)

**SECTION 210.120: CLEANLINESS OF STABLES, SHEDS, ETC.,—RECEPTACLE FOR MANURE AND LITTER**

Every stable, shed or other building where a horse, cow or other animal is kept shall have either within or immediately adjoining it a flyproof, covered, watertight box, bin or other receptacle for receiving and holding manure and litter accumulating in such stable, shed or building. Such receptacle shall be emptied at least once each week, or oftener if becoming filled oftener, and shall be kept tightly closed except when filling or emptying. Such receptacle shall be cleaned weekly with a disinfectant solution of lime or other approved disinfectant. (CC 1979 §4-14)

**SECTION 210.130: CLEANLINESS OF STABLES, SHEDS, ETC.,—FLOORS**

The floors of the buildings described in Section 210.120 shall be cleaned daily and all manure and litter removed and deposited in the required receptacle. Such floors shall be disinfected with a solution of lime or other approved disinfectant. (CC 1979 §4-15)

**SECTION 210.140: CLEANLINESS OF STABLES, SHEDS, ETC.,—YARDS**

All yards surrounding stables and buildings where animals are housed or kept shall be kept well drained and at all times kept free from standing water and filth. (CC 1979 §4-16)

§ 210.150  
§ 210.195

Animals and Fowl

**SECTION 210.150: KEEPING FOWL NEAR DWELLING, CHURCH OR SCHOOL—  
PERMITTING ACCUMULATION OF MANURE IN PEN WHERE  
FOWL  
KEPT**

No person shall keep chickens, ducks, geese, turkeys, pigeons or other fowl in an enclosure which is less than one hundred (100) feet from any dwelling, church or school, nor shall any person permit the accumulation of manure in such pen. (CC 1979 §4-17)

**ARTICLE II. ANIMALS RUNNING AT LARGE**

**GENERALLY**

**SECTION 210.160: RESERVED**

*Editor's Note—Ordinance no. A-6533 §3, enacted July 17, 1997, repealed section 210.160 and replaced it with provisions set out in §§210.040, 210.045 and 210.050. Section 210.160 derived from CC 1979 §4-18 and ord. no. 309 §1, 7-2-18. Said section has been left reserved for the city's future use.*

**SECTION 210.170: ANIMAL CONTROL OFFICER**

For the purpose of enforcing the provisions of this Article, the Mayor is hereby empowered to appoint an Animal Control Officer, whose appointment shall be confirmed by the Council and whose duty it shall be to assist the Chief of Police in impounding stock found running at large, in violation of this Article. (CC 1979 §4-19; Ord. No. 309 §2, 7-2-18)

**SECTION 210.175: REFUSAL TO DELIVER ANIMAL TO ANIMAL CONTROL OFFICER**

It shall be unlawful for any person to refuse to deliver to the Animal Control Officer any animal, fowl or reptile, when requested to do so under the provisions of this Chapter.  
(Ord. No. A-6533 §2, 7-18-97)

**SECTION 210.180: MAINTENANCE AND CONTROL OF POUND**

It is hereby made the duty of the Animal Control Officer to at all times have in suitable repair a pound within the City, and he/she shall have control of the same.  
(CC 1979 §4-20; Ord. No. 309 §3, 7-2-18)

**SECTION 210.190: RESERVED**

*Editor's Note—Ord. No. 7047 §1, July 13, 2001 repealed section 210.190. Former section 210.190 derived from CC 1979 §4-21, ord. no. 309 §5, 7-2-81; ord. no. A-4263 §1, 4-8-81.*

**SECTION 210.195: DISPOSITION OF ANIMAL WHEN OWNER UNKNOWN**

If an animal is lawfully taken into custody by the Animal Control Officer or an Officer of the Monett

Police Department and the owner of said animal is unknown, the Animal Control Officer or an Officer of the Monett Police Department is hereby authorized, at his/her discretion, to cause said animal to be humanely euthanized. (Ord. No. A-6568 §1, 9-3-97)

### **ARTICLE III. DOGS**

#### **SECTION 210.200: DEFINITIONS**

The following terms when used in this Article, shall have the meanings as set out herein:

*AT LARGE:* Any dog shall be deemed to be "*at large*" when it is on or off the property of its owner or keeper and not restrained by a competent person.

*COMPENDIUM OF ANIMAL RABIES CONTROL:* The current edition of a document by that name published by the National Association of State Public Health Veterinarians, which serves as the standard for rabies vaccine, treatment and policy.

*COMPETENT PERSON:* Any owner or keeper of any dog or other animal capable of physically restraining if necessary any dog or other animal in their care. The animal in their care must be immediately responsive to their commands to heel. The parent or guardian of a minor child or disabled and/or incapacitated person is responsible for the adequate care of any animal owned by, or in control of, or harbored by such child or disabled and/or incapacitated person.

*DOG:* The word or term "*dog*", whenever used in this Article without qualification, shall have reference to a canine of either sex.

*IMPOUND:* To apprehend, catch, trap, net, snare, dart, or, if necessary in the opinion of the Animal Control Officer or Police Officer due to an emergency situation euthanize any animal by an Animal Control Officer, Police Officer, or other authority authorized by the Chief of Police or his/her designee.

*RESTRAINT:* A dog is under "*restraint*" if it is within a secure, fully enclosed or fenced area; or under a hand-held leash (not to exceed ten (10) feet) at "heel" of a competent person, or secured by a chain or cable sufficient to prevent said dog being at large, or within a vehicle capable of preventing said dog's escape; or secured by a leash or other means on a vehicle (such as open bed of a truck) such that the dog cannot reach past the edge of any of the sides of the vehicle. (CC 1979 §4-24; Ord. No. 825 §8, 4-17-26; Ord. No. A-6533 §1, 7-18-97; Ord. No. A-6533 §1, 7-18-97; Ord. No. A-6790 §1, 2-10-99)

#### **SECTION 210.210: RUNNING AT LARGE—PROHIBITED**

- A. Every owner shall keep his/her dog under proper restraint to prevent the dog from being at large.
- B. Any person (regardless if the same dog is involved) convicted of violating this Section a third (3rd) time within a two (2) year period from the date of the first (1st) conviction, shall be subject to a fine of at least two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00). Any

person convicted of violating this Section a fourth (4th) time within a two (2) year period from the date of the first (1st) conviction, may be required to surrender all or some of his/her dogs currently under ownership to the City Animal Control Officer for disposal at the pound at the Animal Control Officer's discretion. Upon conviction, the Judge of Municipal Court may also order that the owner not be allowed to own any additional dogs for up to two (2) years. (CC 1979 §4-25; Ord. No. A-1627 §1, 8-6-58; Ord. No. A-6533 §3, 7-18-97)

**SECTION 210.220: DANGEROUS DOGS OR OTHER ANIMALS**

- A. No person shall own, keep, harbor or allow to be in or upon his/her premises any dangerous dog or other animal unless it is confined in accordance with the provisions of this Section. A dog or other animal shall be considered dangerous by virtue of:
- A.1. Having inflicted a severe or fatal injury on a human being on public or private property. "*Severe injury*" means any physical injury resulting directly from an animal's bite or strike which results in death, broken bones, lacerations requiring stitches, or hospitalization. The victim receiving severe injuries must provide the Animal Control Officer a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement;
  - A.2. Having killed a domestic animal, livestock or poultry, without provocation, while off the owner's property;
  - A.3. Owning or harboring primarily or in part for the purpose of fighting or any animal trained for fighting;
  - A.4. Having bitten in an aggressive manner a human being, without provocation, on public or private property other than the property of the owner;
  - A.5. Having bitten in an aggressive manner while on the owner's property, without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept, excluding dog bites under Subsection (F)(9) of this Section;
  - A.6. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds, or private property other than that property of the owner in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by the animal; or
  - A.7. Possessing a known propensity, tendency or disposition to attack unprovoked, in the opinion of the Animal Control Officer or Police Officer, to cause injury or to otherwise threaten the safety of human beings or domestic animals.
- B. A dog or other animal may be declared dangerous if:
- B.1. A written complaint (citation) is signed by the individual attacked or their legal guardian or by the Animal Control Officer or his/her representative, and
  - B.2. A conviction of the owner of the dangerous dog or other animal occurs in the Municipal Court of the City of Monett, or
  - B.3. In the absence of a bite, when sufficient evidence is presented to show the dog or dogs displaying characteristics such as habitually snapping, charging, growling, or otherwise manifests a disposition to bite, attack or injure any person or domestic animal or pet if afforded the opportunity, or if in the judgment of the court it causes any person to have a reasonable fear of immediate serious physical injury.

- C. Any dog or other animal having a dangerous complaint initiated against such animal shall be securely impounded at any approved location by the Animal Control Officer until determination of guilt occurs in the Monett Municipal Court. The owner of such dog or other animal shall be responsible for all costs incurred per Section 210.241 of this Code while said animals is impounded.  
Any

animal not reclaimed (if allowed) by its owner within five (5) days after judicial action is completed shall be disposed of pursuant to Section 210.040(C) of this Code.

- D. Any person charged with a violation of this Section who, having been duly notified, fails to appear in Municipal Court shall, upon order of the court, waive their right to redeem their dog or other animal. The dog or other animal shall be disposed of pursuant to Section 210.040(C) of this Code.
- E. Any dog or other animal deemed dangerous under the Code shall not be sold or given away without the permission of the Animal Control Officer.
- F. Upon conclusion of the determination of dangerous by the court, the following sanctions may be imposed upon the owner of said dog:
  - F.1. Dangerous animals shall be securely confined indoors or in a securely enclosed and locked kennel or cage. The kennel or cage shall be of adequate size for the animal kept therein and shall provide adequate ventilation, shade from the sun and protection from the elements. The sheltering house shall be adequate for the size of the animal with the fenced enclosure being a minimum of one hundred (100) square feet. In the event of a dispute over the appropriate size, the guidelines of the United States Department of Agriculture shall apply. The kennel or cage must be constructed with nine (9) gauge steel chain link. Such kennel or cage must have secure sides, a secure top and secure bottom or floor attached to the sides, or the sides must be embedded in the ground. In addition, the kennel or cage must have a double blind entrance and must be locked with a key or combination lock when such dog or dogs are within the structure. Any such kennel or cage must be located at least ten (10) feet from any property lines and must comply with all zoning and building regulations of the City. Kennels for dangerous dogs must be sufficient for the breed.
  - F.2. When confined indoors, no dangerous animal may be kept on a porch, patio or in any part of a house, building or structure that would allow the animal to exit such building on its own volition. No such animal may be kept in a house, building or structure when the windows are open. No dangerous dogs may be kept in a house, building or structure when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
  - F.3. No person shall permit a dangerous animal to go outside its kennel, cage or secure structure unless that person has the animal securely leashed on a leash no longer than four (4) feet in length and that person has physical control of the leash. Such animals shall not be leashed to inanimate objects such as trees, posts, buildings, etc. Additionally, all such animals on a leash outside the animal's kennel, cage or secure structure must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.
  - F.4. A sign or signs shall be conspicuously posted upon the kennel or cage of any dangerous animal with the letters in English at least two (2) inches high containing a warning to "BEWARE OF THE DANGEROUS ANIMAL" or words of similar impact.
  - F.5. All owners, keepers or harborers of any dangerous animal must maintain in effect public liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons which may result from the ownership, keeping or maintenance of such animal. All owners, keepers or harborers of dangerous animals shall present to the Animal Control Officer a statement certifying that they have the required

insurance policy in effect. Such insurance policy shall provide that no cancellation of the policy will be made unless thirty (30) days' written notice is first given to the Animal Control Officer.

F.6. The owner of such dangerous dog or other animal must register said animal with the Animal

Control Officer with the annual fee to be set at fifty dollars (\$50.00). The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and identifying marks of the animal, the location of where the animal will be kept and other such information the Animal Control Officer may require. A registration number for future identification will be issued. Photographs will be taken of the animal for identification purposes. A microchip identification device properly implanted according to manufacturer's guidelines, by a licensed veterinarian, may be required at the owner's expense.

- F.7. The owner of said dog or other animal shall arrange for the spaying or neutering of said animal at the owner's expense. This sanction may be imposed to help relieve the aggressive nature of the animal, the desire to wander and prevent future offspring with dangerous tendencies.
- F.8. Any dog or other animal that inflicts a sever or fatal injury on a human being on any public or private property may be deemed an imminent threat to the public and ordered humanely euthanized by the court.
- F.9. No dog shall be declared dangerous pursuant to any part of the Section if the threat, injury or damage caused by such dog was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog or was tormenting, abusing or assaulting the dog or has in the past been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime. Nor shall any dog be declared dangerous if it was responding to pain or injury or was protecting itself, its kennel or offspring. Dogs utilized as part of a K-9 Police dog program by a Police official are exempted while performing duty.
- F.10. Upon conviction of any person of a violation of the requirements of these sanctions, the Municipal Judge may, in addition to the usual judgment upon conviction, order the Animal Control Officer to forthwith take up and humanely euthanize such animal.
- F.11. Upon conviction of any animal being dangerous, a penalty of up to five hundred dollars (\$500.00) and/or ninety (90) days in jail may be imposed in addition to any above sanctions.
- F.12. Sanctions imposed by the court are to be implemented to the Animal Control Officer's satisfaction within seven (7) days after the court ruling or the dog or other animal may not be reclaimed and may be disposed of pursuant to Section 210.040(C) of this Code.
- G. Monett City utilities is authorized to request a relocation hearing before the Monett City judge upon verification by the Animal Control Officer or upon written complaint to the Animal Control Officer by any citizen of the City of Monett including, but not limited to, City employees. The owner or person having possession of the alleged dangerous animal shall be served notice of the allegation of having a dangerous animal in his possession and shall be given notice of the hearing and given an opportunity to appear and answer the charges. Upon verification by the Animal Control Officer that the dangerous animal no longer is in the City limits of the City of Monett, the charges shall be dismissed. Otherwise a hearing shall be held before the City judge and upon a finding by the City judge that the allegations are true and correct, the City judge may make orders including, but not limited to, ordering relocation of the utility meter to a City pole outside the yard on the perimeter of the location of the dangerous animal. In addition thereto, the City judge may impose a fine not in excess of five hundred dollars (\$500.00). The cost of this action and the cost of relocation of the City utility meter shall be charged to the person making use of the public utility and if not paid, the

City may discontinue any present or future service of City utilities. Appeal may be taken to the Associate Circuit Court of Lawrence County, Missouri, by trial de novo within ten (10) days of the signing of the order by the City judge. After that time, the order becomes final.

- H. The Animal Control Officer upon notification of a citizen of the City of Monett, not excluding City employees, of the location of a dangerous animal and after five (5) days from the notice to the residence shall have authority to enter upon the premises with a court order issued by the Municipal Judge of Monett and remove the dangerous animal to the City pound. The owner or custodian of the dangerous animal shall be charged fifteen dollars (\$15.00) per day of confinement of the dangerous animal before the dangerous animal may be released to the owner or custodian. Before the dangerous animal may be released to the owner or custodian, the owner or custodian must show valid vaccination and registration of the animal. Should the dangerous animal be retained for thirty (30) days, it may be humanely euthanized without further notice. (CC 1979 §4-26; Ord. No. 825 §10, 4-17-26; Ord. No. A-6533 §3, 7-18-97; Ord. No. 7532 §1, 4-27-05)

**SECTION 210.230: VACCINATION FOR RABIES—TAG**

All persons who are the owners of any dog over four (4) months of age within the City shall have such animal vaccinated by a licensed veterinarian so as to provide immunity from rabies annually. All dogs receiving said vaccination shall receive a tag as specified in the current Compendium of Animal Rabies Control. (CC 1979 §4-27; Ord. No. A-1627 §2, 8-6-58; Ord. No. A-6533 §3, 7-18-97)

**SECTION 210.231: TAGS, COLLAR OR HARNESS REQUIRED ON DOGS**

No owner or keeper of any dog over the age of four (4) months shall allow or permit such dog to be in any place in the City at any time without a collar, or harness, having attached thereto, the rabies tag required by Section 210.230. (Ord. No. A-6533 §3, 7-18-97)

**SECTION 210.234: CERTAIN ANIMALS TO BE QUARANTINED**

Every animal which bites or scratches a person or which is suspected of having being exposed to rabies shall be promptly reported to the Police Department and/or the Animal Control Officer and may thereupon be securely quarantined at the direction of the Animal Control Officer for a period of ten (10) days from the date of confinement. Such animal shall be quarantined at the shelter designated as the City pound or veterinary hospital or at the home of the owner upon such conditions as the Animal Control Officer shall impose, and the expense of such quarantine shall be paid by the owner of such animal if his/her identity is known. (Ord. No. A-6533 §3, 7-18-97)

**SECTION 210.235: DUTY TO SURRENDER**

The owner, upon demand made by the Department of Public Health and Welfare, shall forthwith surrender any animal which has bitten or scratched a human or which is suspected as having been exposed to rabies for supervised quarantine, the expense of such shall be borne by the owner. (Ord. No. A-6533 §3, 7-18-97)

**SECTION 210.236: PROCEDURE WHEN QUARANTINED OR RABID ANIMAL DIES**

When an animal under quarantine has been diagnosed as being rabid or suspected by a licensed veterinarian, or the Animal Control Officer or his representative, as being rabid and dies while under such observation, the head of such animal shall be sent to the State Health Department for pathological examination and the proper health office shall be notified of reports of human contacts,

and the diagnosis made of the suspected animal. (Ord. No. A-6553 §3, 7-18-97)

**SECTION 210.237: PROCEDURE WHEN ANIMAL IS BITTEN BY RABID ANIMAL**

- A. Any animal bitten or scratched either by a wild, carnivorous mammal or a bat that is not available for testing, should be regarded as having been exposed to rabies.
- B. *Dogs And Cats.* Unvaccinated dogs and cats exposed to a rabid animal (or wild animal not available for testing or quarantine) should be euthanized immediately. At the owner's option, the animal should be placed in strict isolation for six (6) months and vaccinated one (1) month before being released. Animals with expired vaccinations will be evaluated on a case-by-case basis. Dogs and cats that are currently vaccinated should be re-vaccinated immediately, kept under the owner's control, and observed for forty-five (45) days. (Ord. No. A-6553 §3, 7-18-97)

**SECTION 210.240: IMPOUNDMENT AUTHORIZED**

- A. Any animal found in violation of the provisions of this Chapter, or any animal abandoned, may be seized and impounded by any Police or Animal Control Officer. Impoundment shall be in any animal shelter designated by the City Council.
- B. In order to impound an animal in violation of this Code, employees of the City of Monett shall have the authority to enter upon private property while pursuing said animal and they shall have the authority to pen gates, cross fences and take whatever steps that are necessary to impound the animal except that nothing contained herein shall be construed to authorize the City employee to enter into a dwelling without consent of those in lawful control of the dwelling, or authorized by a court of law. (CC 1979 §4-28; Ord. No. A-1627 §3, 8-6-58; Ord. No. A-6553 §3, 7-18-97)

**SECTION 210.241: FEES**

- A. The following fees shall be charged for the impoundment of any animal under the provisions of this Article:
  - 1. First redemption of animal within twelve (12) month ..... \$ 7.50
  - 2. The second redemption of the same animal within the preceding twelve (12) months ..... 15.00
  - 3. The third redemption of the same animal within the preceding twelve (12) months ..... 22.50
  - 4. The fourth redemption of the same animal within the preceding twelve (12) months ..... 45.00
  - 5. The fifth redemption and any subsequent redemptions of same animal

within the preceding twelve (12) months..... 60.00

- B. Whenever any animal is impounded, an additional fee of two dollars (\$2.00) shall be charged for each day, or fraction thereof, of impoundment for feeding such animal.

- C. In addition to the fees above described in this Section, there shall be an additional fee of fifteen dollars (\$15.00) for any animal impounded that is subject to licensing as required by this Chapter that does not have a current license.
- D. The owner of any animal required to be quarantined shall be required to pay a charge of three dollars (\$3.00) per day or fraction thereof for feeding such animal, but the owner shall not be required to pay the impoundment fee described in Section 210.241(A)(B). However, the owner shall be responsible for fees as set forth in (C) above as necessary.
- E. Owners of impounded animals may retrieve or otherwise obtain the release of the animals from impoundment only after they have made payment of impoundment and all other charges.
- F. If a financial hardship exists on the owner of an impounded animal, the seven dollar fifty cent (\$7.50) first impoundment fee may be waived at the discretion of the Animal Control Officer if the following conditions apply:
  - 1. The animal is current on license and vaccination;
  - 2. No previous violations for City Code or written warnings have occurred with the owner or any animal in the owner's possession; or
  - 3. Animal was impounded for being at large. (Ord. No. A-6533 §3, 7-18-97; Ord. No. A-7048 §1, 7-13-01)

**SECTION 210.242: DOMESTIC ANIMAL CONFINEMENT LICENSE REQUIRED**

- A. No person shall keep, harbor or permit on property owned or leased by him or her within the City of Monett, more than four (4) domestic animals without first obtaining a domestic animal confinement license from the City Clerk of the City of Monett. Any person keeping, harboring or permitting more than four (4) domestic animals on property owned or leased by him or her shall, upon demand made by the City Animal Control Officer, immediately produce for inspection by said Animal Control Officer, such licensure as permits the presence of such animals on the premises. Violators of this Section shall be deemed guilty of a misdemeanor. The City Animal Control Officer is authorized to immediately impound animals kept in violation of this Section.

*Exceptions:* The following exceptions shall apply to the requirement for domestic animal confinement licensure, but only if the person is not engaging in the business of selling domestic animals:

- A.1. Veterinary clinics operated by licensed veterinarians.
- A.2. Animal grooming parlors which do not keep animals on the premises overnight.
- A.3. The municipal dog pound or other animal confinement facility maintained by the City.
- A.4. Owners of a female domestic animal which has had a litter, for a period not to exceed ten (10) weeks after the birth of the litter.

A.5. Owners of household domestic animals, aquarium fish or terrarium animals, the harboring of which is not otherwise prohibited by this Code, so long as the animals remain within the dwelling house of the owner at all times, and so long as the same do not become a nuisance,

by reason of smell, noise or spread of vermin, to persons who do not dwell in the house.

- A.6. Owners of cattle, sheep, horses, donkeys, mules or goats, and the premises is located in an area zoned agricultural, whether or not the owner is engaged in the business of selling animals, so long as the premises are securely fenced; provide sufficient food, water and room for the animals, and the operation does not cause a nuisance to others in the area by reason of noise, odor or vermin.
- B. Persons owning, keeping, harboring or permitting on premises owned or leased by him or her, more than four (4) domestic animals, and not otherwise being excepted from the provisions of this Section, shall:
- B.1. File, prior to bringing the animals to the premises, an application for a domestic animal confinement license on a form provided by the City Clerk. The City Clerk shall present the application to the City Building Inspector and the City Animal Control Officer who shall certify in writing to the City Clerk whether the proposed facility meets the requirements of all State laws and City ordinances. The City Building Inspector and the City Animal Control Officer may require building and operational plans sufficient to allow such officers to verify that the proposed facility meets City and State requirements. Upon certification by such officers that the facility meets such requirements, the City Clerk shall issue a domestic animal confinement license to said applicant upon the payment of an annual inspection recoupment fee of five hundred dollars (\$500.00) to the City.
- B.2. Maintain the facility premises in a clean, humane and sanitary condition at all times and shall not cause or allow offensive odors to emanate from the premises. "*Clean, humane and sanitary condition*" includes, but is not limited to:
- B.2.a. Providing means, approved by the City Building Inspector, for flushing all animal wastes into the City sewage system not less often than twice daily. Such flushing shall be conducted in such manner that no waste residues or odor therefrom are detectable by ordinary inspection.
- B.2.b. Providing proper food, water, shelter and veterinary care to the animals and taking all necessary precautions against the spread of pests and diseases among the animals.
- B.2.c. Providing separate compartments and separate outdoor runways for all animals so that the animals do not come into physical contact with other animals except when breeding and except in cases of mothers and their young. All inside and outside spaces accessible to animals shall be completely cleaned at least twice per day. The breeding shall not be done in public view.
- B.2.d. Renew said license annually on the anniversary date of the original license. No license shall be renewed unless the City Building Inspector certifies to the City Clerk that such facility meets the requirements of this Section.
- C. Domestic animal confinement facilities may be established or maintained only in areas zoned industrial, light industrial or agricultural under the zoning ordinances of the City. If any domestic animal confinement facility is licensed to operate within two hundred (200) feet of a residence,

except the residence of the keeper of the facility, the animals shall be continuously confined within the facility building and not allowed outside the same.

- D. Facility operators shall take all necessary steps to prevent the creation of excessive noise in operation of the facility.
- E. Violation of this Section shall be deemed a misdemeanor. Violation of this Section or of any other ordinances of this City relating to the premises and operation shall be cause for revocation of the facility license and impoundment of the animals by the City Animal Control Officer.
- F. For purposes of this Section, "*domestic animals*" is defined to mean domestic dogs, cats, rabbits, birds and no others, except that in areas zoned agricultural, the term shall also include all other animals specifically permitted by zoning ordinance in such areas. Confinement of all other animals, more than four (4) in number outside a dwelling house is prohibited. This Section shall not be construed as permitting harboring within the City of domestic animals or wild animals which are otherwise prohibited by this Code. (Ord. No. A-7386 §1, 1-27-04)

#### **SECTION 210.243: HARBORING WILD ANIMALS PROHIBITED**

- A. It shall be a misdemeanor to harbor, within the City, any wild animal.
- B. "*Wild animal*", for purposes of this Section, means all birds, mammals, marsupials, reptiles, fish, and other aquatic and amphibious forms, and all other animals not designated as domestic under these Sections or presumed, under Missouri law, to be domestic animals, regardless of classification or origin, whether resident, migratory or imported, protected or unprotected, tamed or untamed; and shall extend to and include any and every part of any individual species of wildlife. By way of inclusion but not limitation, the term "*wild animal*" shall include the following species: lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, marsupial of any kind, buffalo, bison, deer, elk, peccary, javelina, razorback, hyena, wolf, coyote, bear, wolverine, badger, weasel, skunk, non-human primate, emu, ostrich, bird of any raptor species, alligator, crocodile, cayman, pit viper and any other animal, amphibian, fish or reptile of a species, not presumed under Missouri law to be domestic (ferae domesticans), which, at any age, is or can be deadly, poisonous or dangerous to humans. The term shall include all constrictor snakes similar in adult size to anacondas, pythons or boa constrictors, regardless of the age or size of the snake at the time the same is harbored. The term shall include genetic crosses of wild and domestic animals such as wolf/dog crosses.
- C. The term "*harbor*", for purposes of this Section, means to keep, maintain, bring within the City temporarily or permanently or within the City to control, knowingly cause or allow the same to remain on premises owned or controlled by the person charged, or to confine the same in any manner. The term "*harbor*" shall not include allowing native species of birds or small animals to enter or remain on premises of their own volition, so long as the same are not confined, lured or constrained in their freedom of movement in any manner. The term "*lured*" shall not include erecting birdhouses or setting out food for wild birds, rabbits or squirrels.
- D. Excepted from the prohibitions of this Section are the following, which may be otherwise characterized as "wild animals", so long as the same are kept securely within a dwelling house: aquarium fish, small animals or reptiles of a species that is not deadly, poisonous or dangerous at any age, and birds other than raptors. (Ord. No. A-7385 §1, 1-27-04)

**SECTION 210.250: HOWLING OR YELPING DOGS**

If any person shall keep or harbor any howling or yelping dog to the annoyance of the public, such person shall be deemed guilty of a misdemeanor. (CC 1979 §4-29; Ord. No. 825 §7, 4-17-26)

**SECTION 210.260: QUARANTINE ORDER TO BE ISSUED BY MAYOR—TO BE PUBLISHED AND POSTED**

When a report under Section 210.236 gives a positive diagnosis of rabies, the Animal Control Officer may recommend a City-wide quarantine for a period of six (6) months. Upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal may be taken or shipped from the City without written permission of the Animal Control Officer. (Ord. No. A-6533 §3, 7-18-97)

**SECTION 210.261: UNAUTHORIZED DESTRUCTION OR REMOVAL OF RABID ANIMALS**

No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies or any animal biting or scratching a human, except as provided in this Article, nor remove the same from the City limits without written permission from the Animal Control Officer. (Ord. No. A-6553 §3, 7-18-97)

**SECTION 210.262: PHYSICIANS TO REPORT BITES, SCRATCHES, ETC.**

It shall be the duty of every physician to report to the Animal Control Officer the names and addresses of persons treated for bites and scratches inflicted by animals, together with such other information as will be helpful in rabies control. (Ord. No. A-6533 §3, 7-18-97)

**SECTION 210.263: RECORD OF BITE, SCRATCHES, ETC., CASES**

It shall be the duty of the Animal Control Officer to keep or cause to be kept, accurate and detailed records of all animal bite and scratch cases reported to him/her, and its investigation of same. (Ord. No. A-6533 §3, 7-18-97)

**SECTION 210.265: DOG DEFECATION**

- A. No person owning or responsible for a dog shall permit the dog to defecate on any public property or right-of-way or on any private property other than the property owned or leased by the person owning or responsible for the dog.
- B. It is a specific defense to a charge of violating this Section that the person charged immediately removed the excrement and properly disposed of it in a sanitary manner. (Ord. No. A-6958 §1, 6-20-00)



## **CHAPTER 215: OFFENSES**

*Cross References—As to general penalty for violations of code, see §100.080 of this code; as to nuisances generally, see ch. 225; as to police generally, see ch. 200; as to municipal court generally, see ch. 135.*

### **ARTICLE I. OFFENSES CONCERNING LAW ENFORCEMENT**

#### **SECTION 215.010: FALSE REPORTS**

- A. A person commits the offense of making a false report if he/she knowingly:
  - A.1. Gives false information to a Law Enforcement Officer for the purpose of implicating another person in a crime; or
  - A.2. Makes a false report to a Law Enforcement Officer that a crime has occurred or is about to occur; or
  - A.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. Any person who commits the offense of making a false report, as defined herein, shall be deemed guilty of a misdemeanor. (Ord. No. A-5866 §1, 3-10-94)

#### **SECTION 215.020: AIDING ESCAPE OF A PRISONER**

- A. A person commits the offense of aiding escape of a prisoner if he:
  - A.1. Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other crime; or
  - A.2. Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement.
- B. Aiding escape of a prisoner is a misdemeanor.

#### **SECTION 215.030: ESCAPE OR ATTEMPTED ESCAPE FROM CONFINEMENT**

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

**SECTION 215.040: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY**

- A. 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, he/she escapes or attempts to escape from custody.
- B. Escape or attempted escape from custody is a misdemeanor.

**SECTION 215.050: FALSE IMPERSONATION**

- A. A person commits the offense of false impersonation if he:
  - A.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.1.a. Performs an act in that pretended capacity; or
    - A.1.b. Causes another to act in reliance upon his/her pretended official authority; or
  - A.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.2.a. Performs an act in that pretended capacity; or
    - A.2.b. Causes another to act in reliance upon such representation.
- B. False impersonation is a misdemeanor.

**SECTION 215.060: RESISTING OR INTERFERING WITH ARREST**

- A. A person commits the offense of resisting or interfering with arrest if, knowing that a Law Enforcement Officer is making an arrest, for the purpose of preventing the officer from effecting the arrest, he:
  - A.1. Resists the arrest of himself/herself by using or threatening the use of violence or physical force or by fleeing from such Officer; or
  - A.2. Interferes with the arrest of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to arrests with or without warrants and to arrests for any crime or ordinance violation.

- C. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.
  
- D. Resisting or interfering with arrest is a misdemeanor.

**SECTION 215.064: ASSAULTING A POLICE OFFICER**

A person commits the crime of assault of a Law Enforcement Officer if (s)he:

- .1. Attempts to cause physical injury to a Law Enforcement Officer;
- .2. Causes physical injury to a Law Enforcement Officer:
  - .2.a. Recklessly; or
  - .2.b. With criminal negligence using a deadly weapon; or
  - .2.c. By recklessly engaging in conduct which creates a grave risk of death or serious physical injury to a Law Enforcement Officer; or
- .3. Purposely places a Law Enforcement Officer in apprehension of immediate physical injury; or
- .4. Knowingly causes or attempts to cause physical contact with a Law Enforcement Officer without the consent of the Law Enforcement Officer. (Ord. No. 7481 §1, 11-1-04)

**SECTION 215.065: OBSTRUCTING A POLICE OFFICER**

A. No person shall:

- A.1. Obstruct a City Officer making an arrest or serving any legal writ, warrant or process or executing or attempting to execute any other duty imposed upon him by law.
- A.2. Engage in conduct which a person knows or should know would prevent an officer from completing an investigation or performing any other lawful duty.
- A.3. Refuse to comply with a lawful order of an officer when a person knows or should know such refusal prevents the officer from completing an investigation or performing any other lawful duty.

B. When a Police Officer has reasonable cause to believe it necessary for purposes of investigation or prevention of a crime, misdemeanor or breach of the peace to request the identity of a potential suspect or witness, it shall be unlawful for any person:

- B.1. To refuse to identify himself or herself upon request of a Police Officer acting within the line of duty.
- B.2. To identify himself or herself to a Police Officer by using a false name, date of birth or documentary identification. (Ord. No. 7325, 6-26-03)

*Editors note—Ordinance no. A-6521, enacted June 10, 1997, repealed section 215.065 without any provisions for its replacement. Said former section derived from ord. no. A-6354 §§1–2, 9-19-96. We have left said section reserved for the city's future use. Subsequently ord. no. 7325 was placed herein.*



**SECTION 215.066: FALSE AFFIDAVIT**

- A. A person commits the misdemeanor of making a false affidavit if, with purpose to mislead any person, he, in any affidavit, swears falsely to a fact which is material to the purpose for which said affidavit is made.
- B. A fact is material, regardless of its admissibility under the rules of evidence, if it could substantially affect or did substantially affect the course or outcome of the cause, matter or proceeding.
- C. Making a false affidavit is a Class A misdemeanor if done for the purpose of misleading a public servant in the performance of his duty; otherwise making a false affidavit is a Class C misdemeanor. (Ord. No. 7384 §1, 1-20-84)

**SECTION 215.067: FALSE DECLARATIONS**

- A. The definition of "*written*" shall include filings submitted in an electronic or other format or medium approved or prescribed by the Secretary of State.
- B. A person commits the misdemeanor of making a false declaration if, with the purpose to mislead a public servant in the performance of his duty, he:
  - B.1. Submits any written false statement which he does not believe to be true:
    - B.1.a. In an application for any pecuniary benefit or other consideration; or
    - B.1.b. On a form bearing notice, authorized by law, that false statements made therein are punishable; or
  - B.2. Submits or invites reliance on:
    - B.2.a. Any writing which he knows to be forged, altered or otherwise lacking in authenticity;  
or
    - B.2.b. Any sample, specimen, map, boundary mark or other object which he knows to be false.
  - B.3. Making a false declaration is a class B misdemeanor. (Ord. No. 7384 §2, 1-20-04)

**ARTICLE II. OFFENSES AGAINST PUBLIC**

**PEACE**

**SECTION 215.070: AFFRAYS**

If two (2) or more persons shall, in any public place in the City, voluntarily or by agreement engage in any fight or use any blows or violence toward each other in an angry or quarrelsome manner, or do each other any wilful mischief, or if any person shall assault another or strike him/her in any public place, to the terror and disturbance of others, the persons so offending shall be deemed guilty of an affray and, on conviction, shall be punished for a misdemeanor.  
(CC 1979 §20-4; Ord. No. 773 §1, 12-2-24)

**SECTION 215.080: ASSAULT**

A. A person commits the offense of assault if:

A.1. He/she attempts to cause or recklessly causes physical injury to another person;

A.2. With criminal negligence he/she causes physical injury to another person by means of a deadly weapon;

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

A.4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or

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

A.6. The person knowingly causes physical contact with an incapacitated person which a reasonable person, who is not incapacitated, would consider offensive or provocative. As used in this Section, the term "*incapacitated person*" shall be the same as defined in Section 475.010, RSMo.

B. Assault is a misdemeanor. (Ord. No. A-6992, 9-25-00)

**SECTION 215.083: DOMESTIC ASSAULT**

A person commits the crime of domestic assault if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in Section 455.010, RSMo., and:

.1. The person attempts to cause or recklessly causes physical injury to such family or household member;

- .2. With criminal negligence causes physical injury to such family member by means of a deadly weapon or dangerous instrument;
- .3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;

- .4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;
- .5. The person knowingly causes physical contact with such family member knowing the other person will regard the contact as offensive; or
- .6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation. (Ord. No. A-7118 §1, 1-21-02)

### **SECTION 215.085: STALKING**

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

*COURSE OF CONDUCT:* A pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "*course of conduct*". Such constitutionally protected activity includes picketing or other organized protests.

*CREDIBLE THREAT:* A threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause physical injury to, a person.

*HARASS:* To engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress and that actually causes substantial emotional distress to that person.

- B. Any person who purposely and repeatedly harasses or follows with the intent of harassing another person commits the crime of stalking.
- C. Any person who purposely and repeatedly harasses or follows with the intent of harassing or harasses another person and makes a credible threat with the intent to place that person in reasonably fear of death or serious physical injury commits the crime of aggravated stalking.
- D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.
- E. A person found guilty of stalking shall be fined five hundred dollars (\$500.00) or less per event or be sentenced to three (3) days in jail, or both. (Ord. No. A-6613 §1, 12-4-97; Ord. No. 7574 §1, 6-20-05)

### **SECTION 215.090: DISORDERLY CONDUCT**

- A. *Definitions.* When used in this Section, the following words shall have the prescribed meaning:

*INCITE A RIOT*: Shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written:

1. Advocacy of ideas; or

2. Expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

*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, or other place of business and also public grounds, area or parks.

*RIOT:* A public disturbance involving:

1. An act or acts of violence by one (1) or more persons part of an assemblage of three (3) or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual; or
  2. A threat or threats of the commission of an act or acts of violence by one (1) or more persons part of an assemblage of three (3) or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.
- B. *Disorderly Conduct Prohibited.* A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he/she willfully does any of the following acts in a public place:
1. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, injury to his limb or health;
  2. Commits an 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. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health, or property of another;
  4. Interferes with another's pursuit of a lawful occupation by acts of violence;
  5. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the City Police or other lawful authority known to be such;
  6. Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his own safety or the safety of others;



## § 215.090

7. Resists or obstructs the performance of duties by City Police or any other authorized official of the City, when known to be such an official;
8. Incites, attempts to incite, or is involved in attempting to incite a riot;
9. Addresses abusive language to or threatens any member of the Police Department, any other authorized official of the City who is engaged in lawful performance of his duties, or any other person when such words have a tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited.
10. Damages, befouls, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition;
11. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square, or common, whereby the public peace is broken or disturbed, or the traveling public annoyed;
12. Fails to obey a lawful order to disperse by a Police Officer when known to be such an official, where one (1) or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;
13. Uses abusive or obscene language or makes an obscene gesture.
14. Make, continue, maintain or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the City.
15. Use, operate or permit the use or operation of any electronic device, radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.
16. Congregate because of, participate in or be in any party or gathering of people from which sound emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area. No person shall visit or remain within any residential dwelling unit wherein such party or gathering is taking place except persons who have gone there for the sole purpose of abating said disturbance. A Police Officer may order all persons present in any group or gathering from the dwelling unit to immediately disperse in lieu of being charged under this Section.
17. It shall be unlawful for the owner of any property in the City to rent the same for the purpose of maintaining or operating a disorderly house thereon or knowingly to permit a disorderly house to be maintained or operated thereon. Evidence that a disorderly house is being maintained or operated by the tenant or occupant of any property shall be prima facie evidence that the maintenance and operation of the disorderly house is with the knowledge and permission of the owner of the property.

18. The maintenance and operation of a disorderly house is declared to be a nuisance and subject to be abated as such by appropriate proceedings.

- C. *Exemptions.* Subsections (A) and (B) shall not be construed to suppress the right of lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws, and sounds emanating from emergency vehicles, public safety vehicles, emergency activities of the Fire or Police Department, and emergency activities of any utility company shall be exempt from the provisions of this Section. (Ord. No. A-7082 §§1—2, 10-19-01)

**SECTION 215.100: PEACE DISTURBANCE—PENALTY**

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

- A.1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:

A.1.a. Loud noise; or

A.1.b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances that are likely to produce an immediate violent response from a reasonable recipient; or

A.1.c. Threatening to commit a crime against any person under circumstances that are likely to cause a reasonable person to fear that such threat may be carried out; or

A.1.d. Fighting; or

A.1.e. Creating a noxious and offensive odor;

- A.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.2.a. Vehicular or pedestrian traffic; or

A.2.b. The free ingress to or egress to or from a public or private place.

- B. Peace disturbance is a misdemeanor. (Ord. No. A-5834 §1, 1-10-94)

**SECTION 215.110: PRIVATE PEACE DISTURBANCE**

- A. 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:

A.1. Threatening to commit an offense against any person; or

A.2. Fighting.

- B. Private peace disturbance is a misdemeanor.

**SECTION 215.120: DEFINITIONS**

For the purposes of Sections 215.100 and 215.110, the following words and phrases 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 215.130: RESERVED**

*Editor's Note—Ord. No. A-7278 §1, adopted January 28, 2003, repealed section 215.130 "musical instruments—playing during certain hours" in its entirety. Former section 215.130 derived from CC 1979 §20-52; ord. no. 773 §108, 12-2-24.*

**SECTION 215.140: UNLAWFUL ASSEMBLY**

- A. 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.
- B. Unlawful assembly is a misdemeanor.

**SECTION 215.145: CURFEW HOURS FOR MINORS**

- A. *Definitions.* As used within this Section 215.145, the following words and phrases shall have the meanings ascribed to them below:

*CURFEW HOURS:* The hours of 11:00 P.M. through 6:00 A.M. on Sunday through Thursday and 12:00 Midnight through 6:00 A.M. on Friday and Saturday.

*EMERGENCY:* Unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents or other similar circumstances.

*ESTABLISHMENT:* Any privately-owned place of business within the City operated for a profit to which the public is invited including, but not limited to, any place of amusement or entertainment. With respect to such establishment, the term "*operator*" shall mean any person and any firm, association, partnership (and the members or partners thereof) and/or any corporation (and the officers thereof) conducting or managing that establishment.

*MINOR:* Any unemancipated person less than seventeen (17) years of age.

*OFFICER:* A Police or other Law Enforcement Officer charged with the duty of enforcing the laws of the State of Missouri and/or the ordinances of the City of Monett.

*PARENT:*

A.1. A person who is a minor's biological or adoptive parent and who has legal custody of a minor (including either parent, if custody is shared under a court order or agreement);

§ 215.145

A.2. A person who is the biological or adoptive parent with whom a minor regularly resides;

A.3. A person judicially appointed as a legal guardian of the minor; and/or

A.4. A person eighteen (18) years of age or older standing in loco parents (as indicated by the authorization of an individual listed in Subsection(s) (1), (2) or (3) or this definition, above, for the person to assume the care or physical custody of the child or as indicated by any other circumstances.)

*PERSON:* An individual, not to any association, corporation or any other legal entity.

*PUBLIC PLACE:* Any place to which the public or a substantial group of the public has access including, but not limited to: streets, highways, roads, sidewalks, alleys, avenues, parks and/or the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops.

*REMAIN:* The following actions:

1. To linger or stay at or upon a place; and/or
2. To fail to leave a place when requested to do so by an officer of by the owner, operator or other person in control of that place.

*TEMPORARY CARE FACILITY:* A non-locked, non-restrictive shelter at which minors may wait, under visual supervision, to be retrieved by a parent. No minors waiting in such facility shall be handcuffed and/or secured (by handcuffs or otherwise) to any stationary object.

B. It shall be unlawful for a minor, during curfew hours, to remain in or upon any public place within the City, to remain in any motor vehicle operating or parked therein or thereon or to remain in or upon the premises of any establishment within the City, unless:

B.1. The minor is accompanied by a parent; or

B.2. The minor is involved in an emergency; or

B.3. The minor is engaged in an employment activity or is going to or returning home from such activity without detour or stop; or

B.4. The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or

B.5. The minor is attending an activity sponsored by a school, religious or civic organization, by a public organization or agency or by another similar organization or entity, which activity is supervised by adults and/or the minor is going to or returning from such an activity without detour or stop; or

B.6. The minor is on an errand at the direction of a parent and the minor has his or her possession a writing signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor and a brief description of the

errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or

B.7. The minor is involved in interstate travel through, or begin terminating in, the City of Monett.

- C. It shall be unlawful for a minor's parent to knowingly permit, allow or encourage such minor to violate Section 215.145(B).
- D. It shall be unlawful for a person who is the owner or operator of any motor vehicle to knowingly permit, allow or encourage a violation of Section 215.145(B).
- E. It shall be unlawful for the operator of any establishment, or for any person who is an employee thereof, to knowingly permit, allow or encourage a minor to remain upon the premises of the establishment during curfew hours. It shall be a defense to prosecution under this Subsection that the operator or employee of an establishment promptly notified the Police Department that a minor was present at the establishment after curfew hours and refused to leave.
- F. It shall be unlawful for any person (including any minor) to give a false name, address or telephone number to any officer investigating a possible violation of this Section 215.145.
- G. *Enforcement.*
  - G.1. *Minors.* Before taking any enforcement action hereunder, an officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of an minor in a public place, motor vehicle and/or establishment within the City during curfew hours is in violation of Section 215.145(B).
    - G.1.a. If such investigation reveals that the presence of such minor is in violation of Section 215.145(B), then:
      - G.1.a.(1) If the minor has not previously been issued a warning for any such violation, then the officer shall issue a verbal warning to the minor, which shall be followed by a written warning mailed by the Police Department to the minor and his or her parent(s) and to the juvenile office of the County in which the violation occurs, or
      - G.1.a.(2) If the minor has previously been issued a warning for any such violation, then the officer shall charge the minor with a violation of this Section.
    - G.1.b. As soon as practicable, the officer shall:
      - G.1.b.(1) Release the minor to his or her parent(s); or
      - G.1.b.(2) Place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours, so that his or her parent(s) may retrieve the minor; or
      - G.1.b.(3) If a minor refuses to give an officer his or her name and address, refuses to give the name and address of his or her parent(s), or if no parent can be located prior to the end of the applicable curfew hours or, if located, no parent appears to accept custody of the minor, the minor may be taken to a temporary care facility center or juvenile shelter and/or may be taken to a judge or intake officer of the juvenile court to be dealt with in the manner and pursuant to such procedures as required by law.
  - G.2. *Others.* If an investigation by an officer reveals that a person has violated Section 215.145(C),(D) and/or (E) and if the person has not previously been issued a warning with

respect to any such violation, an officer shall issue a verbal warning to the person, which shall be followed by a written warning mailed by the Police Department to the person; however, if any such warning has previously been issued to that person, then the officer shall charge the person with a violation and shall issue a summons directing the person to appear in court.

- H. A person who violates a provision of this Section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offence, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00). (Ord. No. 7782 §1, 8-6-07)

**SECTION 215.146: CONTRIBUTING TO THE DELINQUENCY OF A MINOR**

- A. Any person who does any act encouraging, causing or contributing to the delinquency of any minor child shall be deemed guilty of a misdemeanor.
- B. The provision of this Section shall extend to, but not be limited to, include any person who causes or permits the life of such child to be endangered or the health of such child to be impaired or who shall willfully cause or permit such child to be placed in such a situation, business or occupation that his life, health or morals shall be injured or who shall willfully abandon such child or shall torture, torment, cruelly punish or willfully or negligently deprive it of necessary food, clothing or shelter or in any other manner shall unnecessarily injure such child.
- C. The provisions of this Section shall also extend to, but not be limited to, include any person by his/her conduct who encourages any person under the age of eighteen (18) years to use any controlled substance, as the same may be or may hereafter be defined by Chapter 195, RSMo., except for his/her parent or guardian, or to encourage any person under the age of twenty-one (21) years to drink any intoxicating liquor or beer or to encourage, cause or contribute to the delinquency of any juvenile so that such juvenile may become a delinquent or neglected child as defined by the Statutes of this State.
- D. Any person seventeen (17) years of age or over who is found guilty of violating this Section shall be guilty of an ordinance violation and fined not more than two hundred fifty dollars (\$250.00) or confined for not more than ninety (90) days in the City Jail. (Ord. No. 8009, 11-19-10)

**SECTION 215.150: EXCESSIVE NOISE—FINDING AND DECLARATION—NOISE RESTRICTIONS**

- A. The making or creation of excessive, unnecessary or unusually loud noises within the City of Monett is found and determined to be a detriment to the public health, comfort, convenience, safety and welfare.
- B. It is further found and determined that it is in the best interest of the public that the following provisions be enacted to secure and promote public health, comfort, convenience, safety and welfare and to secure and promote the peace and quiet of the City of Monett and its inhabitants.
- C. The creation of any excessive, unnecessary or unusually loud noise in the City of Monett is prohibited.
- D. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

D.1. *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle while not in motion on a public street or highway, except as a danger signal; or, if in motion, the excessive or prolonged sounding of any horn or signaling device except as a danger signal.

D.2. *Sound amplification systems within dwellings and yards.* The playing, use or operation of any radio, phonograph, musical instrument or other machine or device for the production, reproduction or other amplification of sound within a dwelling place or lot upon which the same is situated, in such a manner as to disturb the peace, quiet, comfort or repose of reasonable persons in any other dwelling place. The operation of any such device in such a manner as to be audible at a distance of thirty (30) feet from the device or within any other residence or place of business shall be prima facie evidence of a violation of this Section. For purposes of this Section "*dwelling place*" shall mean a house, apartment, mobile home or other structure which is used as a residence.

D.3. *Sound amplification systems other than in dwelling places.*

D.3.a. Operating or permitting the operation of any sound amplification system owned or controlled by the person charged, outside a dwelling place, so that the sound is plainly audible:

D.3.a.(1) At a distance of thirty (30) feet from the system, or

D.3.a.(2) Within a residential structure, or

D.3.a.(3) Within a place of business other than the place where the system is located.

D.3.b. "*Sound amplification system*" means any radio, tape player, compact disc player, loud speaker or other electronic or mechanical device used for the production or amplification of sound.

D.3.c. "*Plainly audible*" means any sound produced by a sound amplification system which clearly can be heard at a distance of thirty (30) feet. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and base reverberations are included.

D.3.d. "*Audible*" means any sound produced by a sound amplification system which can be heard by the human ear.

D.3.e. It is an affirmative defense to a charge under this Section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

D.3.e.(1) The system was being operated to require medical or vehicular assistance or to warn of a hazardous road condition;

D.3.e.(2) The system was a bell, carillon or similar device used by a school or religious establishment, which is also not a dwelling place, for the purpose of signaling church services or the passage of time;

D.3.e.(3) The sound was produced by an emergency or public safety vehicle;

D.3.e.(4) The system was owned and operated by the City of Monett, Missouri, or a gas, electric, communications or refuse company;

D.3.e.(5) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in compliance with ordinances of the City of Monett, Missouri, relating to permits for public events;



D.3.e.(6) The system was used in authorized public activities, such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department of the City authorized to grant such approval. (CC 1979 §§20-80, 20-81; Ord. No. A-5117 §1, 5-19-89; Ord. No. A-7278 §§2-3, 1-28-03)

**SECTION 215.155: LOUD VEHICLE DOWNSHIFTING PROHIBITED**

It shall be a misdemeanor within the City limits of the City of Monett, Missouri, to:

- .1. Engage in the practice commonly known as "Jake Braking". "*Jake Braking*" is defined as reducing or attempting to reduce the speed of a vehicle by shifting the transmission from a higher to a lower gear, unless required by emergency, when such act could be reasonably foreseen to result, and does result, in a substantial increase, audible to the ear, in the noise level of the engine or exhaust system of the vehicle.
- .2. Engage in shifting the transmission of a moving vehicle from a higher to a lower gear for any purpose other than emergency stopping, when such act could be reasonably foreseen to result, and does result, in a substantial increase, audible to the ear, in the noise level of the engine or exhaust system of the vehicle. (Ord. No. 7280 §1, 1-28-03)

**ARTICLE III. OFFENSES CONCERNING WEAPONS**

**SECTION 215.160: TOY PISTOLS, AIR GUNS, ETC.,—UNAUTHORIZED DISCHARGE**

Any person, not an officer, who shall, within the limits of the City, shoot off or discharge any target rifle, toy pistol, air gun or revolver shall be deemed guilty of a misdemeanor; provided, that this Section shall not apply to any person having a license from the City to run or operate a shooting gallery in the City; provided further, that such gallery is built and operated in conformity to the provisions of this Code and other ordinances of the City governing the same.  
(CC 1979 §20-71; Ord. No. 773 §80, 12-2-24)

**SECTION 215.170: UNLAWFUL USE OF WEAPONS—EXCEPTIONS—PENALTIES**

- A. A person commits the offense of unlawful use of weapons if he/she knowingly:
- A.1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use.
  - A.2. Discharges or shoots a firearm.
  - A.3. Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner.
  - A.4. Possesses a firearm or projectile weapon while intoxicated.

A.5. Carries a firearm or any other weapon readily capable of lethal use.

B. Subdivisions (1), (2), (3), and (5) of Subsection (A) of this Section shall not apply to or affect any of the following:

- B.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;
  - B.2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
  - B.3. Members of the armed forces or national guard while performing their official duty;
  - B.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;
  - B.5. Any person whose bona fide duty is to execute process, civil or criminal;
  - B.6. Any Federal probation officer; and
- C. Subdivisions (1), (4) and (5) 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. Subdivision (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 this State.

**SECTION 215.180: SHOTGUNS—PERMIT FOR CERTAIN EVENTS INVOLVING USE**

- A. *Criteria For Issuance.* Upon and pursuant to the issuance of a permit as authorized in this Section, which permit has not been revoked, it shall be lawful to conduct and participate in an organized event involving the use and discharge of shotguns, such as a trap or skeet shot or turkey shoot, and to discharge a shotgun in such event, when the same is conducted by a non-profit organization of the City, under the following conditions:
- A.1. The event shall involve only the use of shotguns of standard gauge, not larger than ten (10) gauge, and the use of ammunition of standard loading.
  - A.2. The event will be held during hours which will not be disturbing to the persons residing or working in the neighborhood in which such event is held and shall not be held earlier than 8:00 A.M. nor later than 10:00 P.M.
  - A.3. The event shall be held under the supervision of one (1) or more responsible adult residents of the City.
  - A.4. The event shall be held at a place and at a time when the same cannot endanger the person or property of persons in the vicinity.

A.5. The event shall be conducted in accordance with recognized safety standards, including those prescribed by the National Association of Trap and Skeet Shoots.

- A.6. The organization conducting the event shall obtain and keep in force public liability insurance insuring such organization and the persons conducting the event against liability to any person or injury to person or property, with limits of not less than twenty-five thousand dollars (\$25,000.00) per person and fifty thousand dollars (\$50,000.00) per event.
- B. *Application—Duration.* Any organization desiring to conduct such an event shall make written application to the chief of police for a permit to conduct the same. Such application shall set forth information showing that such organization and the conduct of such event shall meet the requirements set forth in Subsection (A) of this Section and shall be accompanied by a policy or certificate of insurance showing that the insurance required therein has been obtained. The permit shall be issued only for the event described in the application and an event conducted in the manner set forth in the application and shall not extend more than fifty-two (52) weeks.
- C. *Issuance.* If the Chief of Police finds that the applying organization and event meets the requirements set forth in Subsection (A) of this Section, he/she shall issue a permit for the same.
- D. *Revocation.* The permit may be revoked by the Chief of Police at any time he/she determines that the event does not meet the requirements of this Section. (CC 1979 §16-2; Ord. No. A-3075 §§1–3, 8-25-71)

**SECTION 215.185: CONCEALED FIREARMS PROHIBITED—CITY BUILDINGS AND OTHER POSTED LOCATIONS**

- A. As used in this Section, the following terms shall have the meanings indicated herein:

*ANTIQUÉ, CURIO OR RELIC FIREARM:* Any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, Section 5845 and the United States Treasury/Bureau of Alcohol, Tobacco and Firearms, 27 CFR Section 178.11 and Section 571.010, RSMo.

A.1. *ANTIQUÉ FIREARM:* Any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system or replica thereof.

A.2. *CURIO OR RELIC FIREARM:* Any firearm delivering value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

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

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

- B. No person who has been issued a concealed carry endorsement by the State Director of Revenue under Sections 571.101 to 571.121, RSMo., or who has been issued a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State shall, by

authority of that endorsement or permit, be allowed to carry a concealed or unconcealed firearm in any portion of a building owned, leased or controlled by the City or onto or into any property posted as being off-limits to concealed or unconcealed firearms as defined in Subsection (D) below. For purposes of this Section, the term "*building*" shall include any facility owned, operated, leased

or controlled by the City including any facility where access is controlled with a fence or gate and a partially or fully enclosed structure exists thereon.

- C. No person who has been issued a concealed carry endorsement by the State Director of Revenue under Sections 571.101 to 571.121, RSMo., or who has been issued a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State shall, by authority of that endorsement or permit, be allowed to carry a concealed or an unconcealed firearm onto any private property whose owner has posted a sign as described in Subsection (D) below in a conspicuous place.
- D. The sign(s) required pursuant to Subsections (B) and (C) above shall be placed on the premises in a conspicuous place with a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch stating that the carrying of firearms is prohibited on the premises. If the property posted is open to the public, signs shall be posted at each public entrance.
- E. No City employee except Police Officers and other such persons as may be authorized by the City Council shall carry any firearm on any City property or in any City vehicle.
- F. This Section shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges or private dwellings owned, leased or controlled by the City.
- G. No person who has been issued a certificate of qualification which allows the person to carry a concealed firearm before the Director of Revenue begins issuing concealed carry endorsements in July, 2004, shall, by authority of that certificate, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the City or upon any other properly posted property as described in Subsection (C) above.
- H. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.
- I. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
  - I.1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
  - I.2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
  - I.3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or

correctional institution, prison or jail shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

- I.4. Any courthouse, courtrooms, administrative offices, libraries or other rooms of any court whether or not such court solely occupies the building in question;
- I.5. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- I.6. Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- I.7. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subdivision shall prevent the operation of a child care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry endorsement;
- I.8. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- J. Any person carrying such a concealed firearm who, after request, refuses to leave any properly posted premises and a Peace Officer has been summoned shall be punished upon conviction or plea of guilt thereof, but in no case shall the fine exceed one hundred dollars (\$100.00) for the first (1st) offense, two hundred dollars (\$200.00) for the second (2nd) offense if within six (6) months of the first (1st) citation and five hundred dollars (\$500.00) for the third (3rd) offense if within one (1) year of the first (1st) citation. (Ord. No. 7482 §1, 11-1-04)

*Cross Reference—As to weapons generally, see §§215.170 and 215.180 of this chapter.*

**ARTICLE IV. OFFENSES AGAINST PROPERTY**

**SECTION 215.190: ADVERTISEMENTS, ETC.,—PLACING ON BUILDINGS, WALLS, FENCES, ETC., WITHOUT OWNER'S CONSENT**

Any person who shall place upon any house, building, wall or fence any notice or advertisement, without the consent of the owner of such house, building, wall or fence, shall be deemed guilty of a misdemeanor. (CC 1979 §20-2; Ord. No. 773 §29, 12-2-24)

**SECTION 215.200: BARBED WIRE, SPIKES, ETC., PLACING NEAR STREET OR SIDEWALK, ETC.**

No person shall place or permit to be placed or to remain on or along any railroad or building front, or any part of a building, fence or premises, adjacent or contiguous to any street, alley or sidewalk,

any spikes, sharp pointed cresting or any barbed wire or other thing dangerous or liable to tear, snag, cut or injure anyone coming in contact therewith. (CC 1979 §20-8; Ord. No. 773 §89, 12-2-24)

**SECTION 215.210: DANGER SIGNALS ON THOROUGHFARES—REMOVING, BREAKING OR EXTINGUISHING**

Any unauthorized person who shall remove, break or extinguish any lantern or danger signal which has been placed on any thoroughfare to protect persons against accidents shall be deemed guilty of a misdemeanor. (CC 1979 §20-15; Ord. No. 773 §84, 12-2-24)

**SECTION 215.215: FAILURE TO REPAY PAWNBROKER WHEN NOTIFIED THAT GOODS WERE MISAPPROPRIATED**

- A. When tangible personal property subject to the pawn or sales transaction has been delivered or awarded to a claimant pursuant to Section 367.044, RSMo., and within ten (10) business days after a written demand for payment and notice is deposited by the pawnbroker as certified or registered mail in the United States mail and addressed to the conveying customer, the conveying customer fails to repay the pawnbroker the full amount incurred by the pawnbroker in connection with such property and the procedure described in the aforesaid State Statute, the conveying customer shall have committed the crime of fraudulently pledging or selling misappropriated property.
- B. Violation of this Section shall be punishable by a fine of no less than one hundred dollars (\$100.00) and no more than five hundred dollars (\$500.00). (Ord. No. 8088, 12-20-11)

**SECTION 215.220: STEALING—PENALTIES**

- A. A person commits the offense of stealing if he/she appropriates property or services of another valued under seven hundred fifty dollars (\$750.00) with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.
- B. Evidence of the following is admissible in any criminal prosecution under this Section on the issue of the requisite knowledge or belief of the alleged stealer:
  - B.1. That he/she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
  - B.2. That he/she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;
  - B.3. That he/she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

B.4. That he/she surreptitiously removed or attempted to remove his baggage from a hotel, inn or boardinghouse. (Ord. No. A-6724 §1, 7-23-98)

**SECTION 215.225: FRAUDULENT USE OF A CREDIT DEVICE AND/OR DEBIT DEVICE**

- A. A person commits the offense of fraudulent use of a credit device and/or debit device if that person for the purpose of obtaining services or property, knowing that:
  - A.1. The device is stolen, fictitious or forged;
  - A.2. The device has been revoked or canceled; or
  - A.3. For any other reason the person's use of the device is unauthorized.
- B. Fraudulent use of a credit device and/or debit device is a misdemeanor if the value of the property or services obtained or sought to be obtained within any thirty (30) day period is less than one hundred fifty dollars (\$150.00). (Ord. No. A-6990, 9-25-00)

**SECTION 215.230: TAMPERING**

- A. A person commits the offense of tampering if he:
  - A.1. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another; or
  - A.2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or
  - A.3. Tamper or makes connection with property of a utility; or
  - A.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.4.a. To prevent the proper measuring of electric, gas, steam or water service; or
    - A.4.b. To permit the diversion of any electric, gas, steam or water service.
- B. In any prosecution under Subdivision (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one (1) or more of the effects described in Subdivision (4) of Subsection (A), shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.
- C. Tampering is a misdemeanor.

**SECTION 215.235: FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED**

- A. A person is guilty of the offense of financial exploitation of an elderly or disabled person if such person stands in a position of trust and confidence with an elderly or disabled person, and such person knowingly and by deception or intimidation obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use,

benefit or possession of his or her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is a misdemeanor if the property is less than two hundred fifty dollars (\$250.00).

B. For the purposes of this Section, the following terms mean:

*DECEPTION:* A misrepresentation or concealment of material facts relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or pre-existing condition of any of the property involved in such contract or agreement, or the use of employment of any false misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. Deception includes:

- B.1. Creating or confirming another person's impression which is false and which the offender does not believe to be true;
- B.2. Failure to correct a false impression which the offender previously has created or confirmed;
- B.3. Preventing another person from acquiring information pertinent to the disposition of the property involved;
- B.4. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or
- B.5. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform alone is not sufficient evidence to prove that the offender did not intend to perform.

*DISABLED PERSON:* A person who suffers from a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition which renders such person incapable of avoiding or preventing the commission of an offense.

*ELDERLY PERSON:* A person of sixty (60) years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by physical, mental or emotional dysfunctioning to the extent that such person is incapable of avoiding or preventing the commission of the offense.

*INTIMIDATION:* The communication to an elderly or disabled person that he or she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

C. For the purpose of this Section, a person stands in a position of trust and confidence with an elderly or disabled person when such person:

- C.1. Is a parent, spouse, adult child or other relative by blood or marriage of the elderly or disabled person;
- C.2. Is a joint tenant or tenant in common with the elderly or disabled person with knowledge of such relationship;

C.3. Has a legal or fiduciary relationship with the elderly or disabled person; or

- C.4. Has a relationship with the elderly or disabled person as a health care or personal care worker.
- D. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- E. Nothing in this Section shall be construed to impose criminal liability on person who has made a good faith effort to assist the elderly or disabled person in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.
- F. Nothing in this Section shall be construed to limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.
- G. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person. (Ord. No. A-7117 §1, 1-21-02)



**SECTION 215.240: PROPERTY DAMAGE**

- A. A person commits the offense of property damage if:
  - A.1. He/she knowingly damages property of another; or
  - A.2. He/she damages property for the purpose of defrauding an insurer.
- B. Property damage is a misdemeanor.

**SECTION 215.250: LITTERING GENERALLY**

Any person who shall throw or deposit, or cause to be thrown or deposited or left, upon any public street, avenue or sidewalk in the City any bill, pamphlet, advertisement, paper, refuse or litter, of any kind whatever, shall be deemed guilty of a misdemeanor.  
(CC 1979 §20-43; Ord. No. 773 §97, 12-2-24)

**SECTION 215.260: LITTERING**

- A. 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 City 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.
- B. Littering is a misdemeanor.

**SECTION 215.270: LITTERING WATERS, INJURING PLANTS OR HISTORICAL OBJECTS, OR SELLING IN CITY PARKS—PENALTY**

- A. It is unlawful for any person to throw waste paper, tin cans, bottles, rubbish of any kind, or contaminate in any manner, any spring, pool or stream within a City or State Park, nor shall any person other than authorized personnel of the Department of Natural Resources cut, prune, pick or deface or injure in any manner the flowers, trees, shrub or any other flora growing on the land or in the water of any City or State Park.
- B. No person shall be permitted to offer or advertise merchandise or other goods for sale or hire, or to maintain any concession, or use any park facilities, buildings, trails, roads or other City or State Park property for commercial use except by written permission or concession contract with the Department of Natural Resources.

- C. No object of archaeological or historical value or interest within a City or State Park may be removed, injured, disfigured, defaced or destroyed except by authorized personnel.
- D. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor.

**SECTION 215.280: LITTERING VIA CARCASSES—PENALTY**

- 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) or more than five hundred dollars (\$500.00).
- 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 five hundred dollars (\$25.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second offense against the provisions of this Section.

**SECTION 215.290: SINKING WELLS, CONSTRUCTING SEWERS, MOVING BUILDINGS, ETC., WITHOUT CONSENT OF CITY AUTHORITIES**

Any person who shall sink any well, shaft or cistern or construct any vault or sewer in any street, alley or public park in the City, or who shall move any building upon or along any street or alley in the City, without the consent of the City authorities first had and obtained, shall be deemed guilty of a misdemeanor. (CC 1979 §20-66; Ord. No. 773 §49, 12-2-24)

**SECTION 215.300: TRESPASS**

- A. A person commits the offense of trespass 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 crime of trespass in the first (1st) degree by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
  - B.1. Actual communication to the actor; or
  - B.2. Posting in a manner reasonably likely to come to the attention of intruders.
- C. Trespass is a misdemeanor.

**SECTION 215.310: UNLAWFUL EXCAVATIONS**

Any person who shall unlawfully dig any ditch or make any excavation in or upon the streets, sidewalks, alleys or public parks in the City, so as to endanger the safety of persons or animals or so as to obstruct travel, shall be deemed guilty of a misdemeanor.  
(CC 1979 §20-75; Ord. No. 773 §47, 12-2-24)

*Cross References—As to streets and sidewalks generally, see ch. 510 of this code; as to excavations generally, see §§515.010–515.110.*

**SECTION 215.320: OBSTRUCTING STREETS OR SIDEWALKS GENERALLY—  
AUTHORITY OF MERCHANTS, ETC., TO LEAVE GOODS ON  
SIDEWALKS FOR LIMITED TIME**

Any person who shall obstruct any sidewalk, street or alley in the City, so as to prevent the free use of the same, shall be deemed guilty of a misdemeanor; provided, that this Section shall not be so construed as to prevent merchants, manufacturers and others, while receiving and shipping goods, from occupying not to exceed one-half (½) of such sidewalk with such goods for such purpose, but the same shall in no event remain on the sidewalk longer than two (2) hours.  
(CC 1979 §27-6; Ord. No. 773 §48, 12-2-24)

**SECTION 215.330: DUTY TO KEEP GUTTERS AND SIDEWALKS CLEAN**

The owners or occupants of the buildings in front of which any gutter has been made shall keep the same and the sidewalk in front of such premises swept clean and clear of mud and dirt, snow, filth and other things. Any person neglecting or refusing to comply with the provisions of this Section shall be deemed guilty of a misdemeanor. (CC 1979 §27-9)

**SECTION 215.340: DUTY TO KEEP SIDEWALKS CLEAR OF ICE AND SNOW**

Any owner, occupant or agent of a building or a vacant lot fronting on any sidewalk, who shall fail or neglect to clear sidewalks in front of such building or vacant lot of snow or ice within twelve (12) hours after the same has accumulated thereon, shall be deemed guilty of a misdemeanor.  
(CC 1979 §27-10; Ord. No. 773 §54, 12-2-24)

**SECTION 215.350: DEPOSITING TRASH, DEAD ANIMALS, ETC., IN CITY WATER  
RESERVOIRS, BASINS OR MAINS, INTERFERING WITH WATER  
SUPPLY, ETC.**

Any person who shall, in any way or manner, place, deposit or throw any trash, dirt, rock, stone, missile, earth, turf, rubbish, dead animal, live animal, dead fowl or dead bird, live fowl or live bird or any other thing or substance whatever in any water reservoir or basin or water main belonging to the City, or who shall injure, deface, mark, obstruct or interfere or intermeddle with any such water reservoir or basin or with any water main, or any of the fixtures, pumps, machinery or connections of same, or any apparatus connected therewith, belonging to the City, or who shall commit any trespass on any of the City waterworks property, shall be deemed guilty of a misdemeanor. (CC 1979 §31-1; Ord. No. 290 §1, 4-30-18)

**SECTION 215.351: RECEIVING STOLEN PROPERTY**

- A. A person commits the crime of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he or 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 pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver:

§ 215.355

- B.1. That he or she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
- B.2. That he or she received other stolen property in another transaction within the year preceding the transaction charged;
- B.3. That he or she acquired the stolen property for a consideration which he or she knew was far below its reasonable value;
- B.4. That he or she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen. (Ord. No. 7885 §1, 10-20-08)

**ARTICLE V. OFFENSES CONCERNING MORALS**

**SECTION 215.355: CERTAIN SEXUAL OFFENDERS TO REGISTER WITH THE CHIEF OF POLICE**

- A. This Section applies to:
  - A.1. Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or plead guilty to committing, or attempting to commit, a felony offense of Chapter 566, RSMo.
  - A.2. Any person who, since July 1, 1979, has been committed to the Missouri Department of Mental Health, or a similar facility outside the State of Missouri, as a criminal sexual psychopath; or
  - A.3. Any person who is a resident of the City of Monett, Missouri, who has, since July 1, 1979, or is hereafter convicted of, or plead guilty or nolo contendere in any other State or under Federal jurisdiction to committing, or attempting to commit, an offense which, if committed in this State, would be a felony violation of Chapter 566, RSMo.
- B. Any person to whom this Section applies, as set forth in Subsection (A) herein, shall, within fourteen (14) days of coming into the City of Monett, register with the Chief of Police of Monett.
- C. Any registration pursuant to this Section shall consist of completion of an offender registration form developed by the Missouri State Highway Patrol. Such form shall include, but is not limited to the following:
  - C.1. A statement in writing signed by the person, giving the name, address, social security number, phone number of the person, the place of employment of such person, the crime which requires registration, the date and place of such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to Section 589.040, RSMo., if applicable.

C.2. The fingerprints and a photograph of the person.

- D. If any person required by this Section to register changes residence or address, the person shall inform in writing within fourteen (14) days, the Monett Chief of Police of the new address.

- E. Any person who violates the provisions of this Section and is found guilty of same, may be committed to the Monett City Jail for a period not to exceed ninety (90) days, may be fined up to five hundred dollars (\$500.00), or may be committed to the City of Monett Jail and fined. (Ord. No. A-6602 §§1–5, 11-13-97)

**SECTION 215.360: INDECENT EXPOSURE**

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

**SECTION 215.365: SEXUALLY EXPLICIT CONDUCT ON CITY PROPERTY**

It shall be deemed a misdemeanor for any person to do the following on premises owned by the City of Monett.

- .1. Stalk another person for the purpose of soliciting sexual conduct or after having made such solicitation.
- .2. Assault another person or threaten assault against such person in connection with solicitation to sexual conduct.
- .3. Solicit sexual conduct of another person.
- .4. Make obscene or sexually explicit remarks or gestures in such manner that the same may be heard or seen by those to whom such remarks can be reasonably foreseen as offensive or unwelcome.
- .5. Loiter or congregate with others in such place for the purpose of performing lewd, lascivious acts or sexual conduct or solicitation to such acts.
- .6. Loiter or congregate with others in a manner which is reasonably likely to cause others in such place apprehension that such loitering or congregating is for the purpose of performing lewd, lascivious or sexual acts or solicitation to sexual conduct.
- .7. Utter lascivious or obscene language in such manner that the same may be heard by others to whom such utterances can be reasonably foreseen as disturbing or unwelcome.
- .8. Offer to indecently expose himself/herself.
- .9. Knowingly direct or transport another person for the purpose of committing lewd and lascivious sexual conduct on City property for the purpose of inducing such person or another to perform such act.
- .10. Engage in lewd and lascivious sexual conduct.

.11. Post, deliver or leave solicitations to sexual conduct. (Ord. No. A-7279 §1, 1-28-03)

**SECTION 215.370: DEFINITIONS**

As used in Sections 215.370 to 215.410 of this Chapter, the following terms shall have the meanings set out herein:

*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
- .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.

*PROMOTING PROSTITUTION:* A person promotes prostitution if, acting other than as a prostitute or a patron of a prostitute, he/she knowingly:

- .1. Causes or aids a person to commit or engage in prostitution;
- .2. Procures or solicits patrons for prostitution;
- .3. Provides persons or premises for prostitution purposes;
- .4. Operates or assists in the operation of a house of prostitution or a prostitution enterprise;
- .5. Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he/she participates or is to participate in proceeds of prostitution activity; or
- .6. Engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution.

*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*: Any money or property, or any token, object or article exchangeable for money or property.

**SECTION 215.380: PROSTITUTION**

- A. A person commits the offense of prostitution if he/she performs an act of prostitution.
- B. Prostitution is a misdemeanor.

**SECTION 215.390: PATRONIZING PROSTITUTION**

- A. A person commits the offense of patronizing prostitution if he/she patronizes prostitution.
- B. Patronizing prostitution is a misdemeanor.

**SECTION 215.400: 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 215.410: PROSTITUTION ESTABLISHMENTS DECLARED PUBLIC NUISANCES**

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

D. Appeals shall be allowed from the judgment of the Court having jurisdiction over the case as in other civil actions.

§ 215.420  
§ 215.460

Monett City Code

**ARTICLE VI. OFFENSES CONCERNING  
PUBLIC SAFETY**

**SECTION 215.420: LOITERING—ON PUBLIC STREET, ALLEY OR SIDEWALK**

No person shall sit or lie upon or loiter upon any public street, alley or sidewalk, so as to interfere with the normal use thereof. (CC 1979 §20-44; Ord. No. A-3355 §1, 9-20-73)

**SECTION 215.430: LOITERING—IN SCHOOL BUILDINGS OR ON SCHOOL PROPERTY,  
AFTER BEING REQUESTED TO LEAVE**

No person, not employed by or the owner or a member of the Governing Body thereof, shall loiter or remain in or re-enter within twenty-four (24) hours any school building or upon any school grounds or property used for school purposes within the corporate limits, after being requested to leave such school building or school grounds or property by a superintendent or a principal or a teacher employed by the school district or other organization that conducts school in such building or on such school grounds or property, or by the school district or other organization owning such school grounds or property, unless such request is withdrawn.  
(CC 1979 §20-45; Ord. No. A-3354 §1, 9-20-73)

**SECTION 215.440: LOITERING—WITHIN THREE HUNDRED FEET OF PUBLIC SCHOOL  
PROPERTY—ON PUBLIC PROPERTY**

No person shall loiter upon any street, alley or public property within three hundred (300) feet of any property which is used for public school purposes.  
(CC 1979 §20-46; Ord. No. A-3356 §1, 9-20-73)

**SECTION 215.450: LOITERING—WITHIN THREE HUNDRED FEET OF PUBLIC SCHOOL  
PROPERTY—ON PRIVATE PROPERTY**

No person, other than the owner, tenant or other person in lawful possession thereof, or their invitees, shall loiter upon any private property within three hundred (300) feet of any property which is used for public school purposes. (CC 1979 §20-47; Ord. No. A-3356 §2, 9-20-73)

**ARTICLE VII. OFFENSES CONCERNING  
DRUGS**

**SECTION 215.460: CONTROL OF DRUG PARAPHERNALIA**

A. As used in this Section, the following words shall have the meanings ascribed to them herein:

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

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

*DRUG:*

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

*DRUG PARAPHERNALIA:* All equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of Sections 195.005 to 195.425. It includes, but is not limited to:

- .1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- .2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;
- .3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;
- .4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;
- .5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;
- .6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;
- .7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- .8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;

- .9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;

## § 215.460

- .10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;
- .11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;
- .12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
  - .12.a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - .12.b. Water pipes;
  - .12.c. Carburetion tubes and devices;
  - .12.d. Smoking and carburetion masks;
  - .12.e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  - .12.f. Miniature cocaine spoons and cocaine vials;
  - .12.g. Chamber pipes;
  - .12.h. Carburetor pipes;
  - .12.i. Electric pipes;
  - .12.j. Air-driven pipes;
  - .12.k. Chillums;
  - .12.l. Bongs;
  - .12.m. Ice pipes or chillers;

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

- .0.a. Statements by an owner or by anyone in control of the object concerning its use;
- .0.b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance or imitation controlled substance;
- .0.c. The proximity of the object, in time and space, to a direct violation of Sections 195.005 to 195.425 RSMo.;
- .0.d. The proximity of the object to controlled substances or imitation controlled substances;
- .0.e. The existence of any residue of controlled substances or imitation controlled substances on the object;
- .0.f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he/she knows, or should reasonably know, intend to use the object to facilitate a violation of Sections 195.005 to 195.425, RSMo., the innocence of an owner, or of anyone in control of the object, as to direct violation of Sections 195.005 to 195.425 RSMo., shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- .0.g. Instructions, oral or written, provided with the object concerning its use;
- .0.h. Descriptive materials accompanying the object which explain or depict its use;
- .0.i. National or local advertising concerning its use;
- .0.j. The manner in which the object is displayed for sale;

- .0.k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- .0.l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

- .0.m. The existence and scope of legitimate uses for the object in the community;
- .0.n. Expert testimony concerning its use.

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

*PERSON:* An individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity.

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

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

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

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

*SCHOOL:* Any public or private elementary, junior high school, high school, or vocational-technical school.

*B. Sales and Display Prohibited—Nuisance Declared.*

- .1. It shall be unlawful for any person, firm or corporation to sell, offer to sell, dispense, give away or display any drug paraphernalia in or upon any premises which:
  - .1.a. Are premises open to minors, unless the drug paraphernalia is kept in such part of the premises that is not open to view by minor and to which minors do not have access; or
  - .1.b. Are in close proximity to a school.

Provided however, that display of any such items at a place of display for educational or scientific purposes shall not be unlawful.

- .2. In addition to any penalty authorized by the Monett City Code, a violation of this Section is hereby deemed and declared to be a nuisance.

*C. Use, Possession, Delivery or Advertisement.*

- .1. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise

introduce into the human body a controlled substance or an imitation controlled substance in violation of Sections 195.005 to 195.425, RSMo.

- .2. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture, with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably

should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of Sections 195.005 to 195.425, RSMo.

- .3. It shall be unlawful for any person to place in any newspaper, magazine, handbill or other publication circulated or intended to be circulated within the boundaries of the City of Monett any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. (Ord. No. A-5673 §1, 3-10-93)

### **SECTION 215.465: POSSESSION AND USE OF CONTROLLED SUBSTANCES— PROHIBITED**

- A. *Definitions.* As used in this Section the following word shall have the following meaning, unless the context clearly indicates a different meaning:

*CONTROLLED SUBSTANCE:* Any drug, substance, or immediate precursor defined by State law as a controlled substance, or defined as a controlled substance by the laws of the United States, including Section 102, paragraph (6) of the Controlled Substance Act, 21 USC 802(6).

- B. *Possession, Manufacture, And Sale Of Controlled Substances.*

B.1. It is unlawful for any person to manufacture, possess, have under his/her control, sell, prescribe, administer, dispense, distribute, or compound any controlled substance.

B.2. It is unlawful for any person to use, or to possess with intent to use, 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 in violation of this Section.

B.3. This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with the State law.

- C. *Severability.* The provisions of this Section are severable, and the invalidity of any phrase or part of this Section shall not affect the validity of the remainder of this Section.

- D. *Penalty.* Any person, firm or corporation violating any provision of this Section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment for a period not exceeding three (3) months, or by both such fine and imprisonment. (Ord. No. A-6272 §§1–4, 5-10-96)

## **ARTICLE VIII. MISCELLANEOUS OFFENSES**

### **SECTION 215.470: BEGGING**

Any person who shall solicit alms, either directly or indirectly, upon the public thoroughfares or public grounds of the City shall be deemed guilty of a misdemeanor.  
(CC 1979 §20-9; Ord. No. 773 §91, 12-2-24)

**SECTION 215.480: DRINKING IN PUBLIC**

Except in the Park Casino and the Public Golf Course, it shall be unlawful for any person to drink intoxicating liquor of any kind, in any quantity, upon any street, avenue, alley, sidewalk, public park or any other public place within the City. Any person violating this Section shall be deemed guilty of a misdemeanor. (CC 1979 §20-22; Ord. No. 773 §6, 12-2-24)

*Cross Reference—As to regulations in the park casino and public golf course, see §230.130.*

**SECTION 215.490: FORTUNE TELLING, MEDIUMSHIP, ETC.**

Any person who shall advertise by display sign, circular, handbill, newspaper, periodical, magazine or other publication or by any means to tell fortunes or reveal the future, to find or restore lost or stolen property, to locate oil wells, gold or silver or other ore or metal or natural product, to restore lost love, friendship or affection, to reunite or procure lovers, husbands, wives, lost relatives or friends or to give advice in business affairs or advice of any kind or nature to others for or without pay, by means of occult or psychic powers, faculties or forces, clairvoyance, psychology, psychometry, palmistry, necromancy, seership, prophecy, astrology, spirits, phrenology, mediumship or like crafty science, cards, talismans, charms, potions, magnetism or magnetized articles or substances, oriental mysteries, crystal gazing or magic of any kind or nature, shall be deemed guilty of a misdemeanor. (CC 1979 §20-26; Ord. No. 773 §88, 12-2-24)



**SECTION 215.500: HAULING SLOP, ETC., THROUGH STREETS, WHERE ALLEY LOCATED NEARBY**

Any person who shall haul any slop or offal through any street of the City, where there is an alley parallel with such street and within a block of such street, shall be deemed guilty of a misdemeanor. (CC 1979 §20-33; Ord. No. 773 §98, 12-2-24)

*Cross Reference—As to streets and sidewalks generally, see ch. 510 of this code.*

**SECTION 215.510: HITCHING ANIMALS TO TREES, AWNINGS, ETC.**

Any person who shall hitch or fasten in any manner any horse or other animal to any awning, post, ornamental or shade tree or any case or box around such tree, or any person who shall stop, stand or fasten any animal so near such tree, case or box that such animal can bite or injure such tree, case or box, or permit the same to be done, to the injury of such tree, case or box, shall be deemed guilty of a misdemeanor. (CC 1979 §20-34; Ord. No. 773 §27, 12-2-24)

*Cross Reference—As to animals and fowl generally, see ch. 210 of this code.*

**SECTION 215.520: SOLID WASTE, ILLEGAL DISPOSAL OF, DUTY OF PROSECUTING ATTORNEY**

The Prosecutor of any County and the Circuit Attorney of any City not within a County shall investigate reports of violations of Sections 260.211 and 260.212, RSMo, and may, by information or indictment, institute a prosecution for any violation of Sections 260.211 and 260.212, RSMo.

**SECTION 215.530: MINORS—SELLING OR GIVING CIGARETTES, ETC.**

Whoever shall sell or give away to any minor under the age of eighteen (18) years any cigarette or cigarette paper or wrapper, cigar or tobacco shall be deemed guilty of a misdemeanor. (CC 1979 §20-51; Ord. No. 773 §43, 12-2-24)

**SECTION 215.540: SPITTING ON SIDEWALKS, IN PUBLIC BUILDINGS, ETC.**

Every person who shall expectorate or spit tobacco juice, saliva or phlegm upon any of the sidewalks of the City, in the corridors or on the stairs of any public building or on the platform or floor of any public conveyance in the City shall be deemed guilty of a misdemeanor. (CC 1979 §20-67; Ord. No. 773 §81, 12-2-24)

*Cross Reference—As to streets and sidewalks generally, see ch. 510 of this code.*

**SECTION 215.550: STALLIONS, JACKS OR BULLS—STANDING FOR SERVICE, OTHER THAN IN ENCLOSED PLACE—EXHIBITING ON STREETS**

Any person who shall keep and stand for service any stallion, jack or bull within the City shall be deemed guilty of a misdemeanor, unless such person shall keep such animal in an enclosure, so as

§ 215.550

Monett City Code

§ 215.600

to exclude public view. Any person who shall show or exhibit any stallion, jack or bull upon the streets of the City, except in necessarily moving such animal from one place to another, shall be deemed guilty of a misdemeanor. (CC 1979 §20-68; Ord. No. 773 §58, 12-2-24)

*Cross Reference—As to streets and sidewalks generally, see ch. 510 of this code.*

**SECTION 215.560: THROWING ROCKS, BALLS, ETC.**

Whoever shall throw any rock, ball or other missile upon or against any building or fence or in or upon any lot in the City, not his/her own, shall be deemed guilty of a misdemeanor. (CC 1979 §20-70; Ord. No. 773 §50, 12-2-24)

**SECTION 215.570: CURFEW FOR MINORS—PENALTY**

The Mayor being apprehensive of a riot or riotous assemblage within the City, may, by proclamation, require all minors to keep within doors for any length of time not exceeding three (3) days, during that period of each astronomical day of twenty-four (24) hours which intervenes between the end of one (1) hour after sunset and the beginning of one (1) hour before sunrise; and all minors offending against such proclamation may be forthwith arrested, and on conviction may be imprisoned in the house of correction of the City, or other safe place of confinement, to be prescribed by ordinance of the City, for a period not exceeding thirty (30) days.

**ARTICLE IX. OFFENSES CONCERNING**

**RAILROAD TRAINS**

**SECTION 215.580: UNLAWFULLY GETTING ON TRAINS**

Any person who shall, except for the purpose of traveling or other legitimate purpose, get on any passenger or freight train in the City shall be deemed guilty of a misdemeanor. (CC 1979 §20-61; Ord. No. 773 §56, 12-2-24)

*Cross Reference—As to duty to stop at railroad grade crossings, see §335.090 of this code.*

**SECTION 215.590: GETTING ON OR OFF ENGINES OR CARS IN MOTION OR ABOUT TO START**

It shall be unlawful for any person to get on or off any railway engine or car, while such engine or car is in motion or just before starting, or to hang on or to swing to any moving engine, car or train or to any engine, car or train which is about to start; provided, that this Section shall not apply to employees on such engine, car or train or to a regular passenger thereon. Any person who shall violate this Section shall be deemed guilty of a misdemeanor. (CC 1979 §20-62; Ord. No. 773 §75, 12-2-24)

**SECTION 215.600: SPEED LIMIT FOR TRAINS**

Until the installation and operation of flashing signals with cantilever arms at the grade crossing of the St. Louis-San Francisco Railway Company right of way and Eisenhower Street and the

installation of railroad-highway crossing signals with gates at the grade crossing of the St. Louis-San Francisco Railway Company right of way and Central Street, any person being the engineer, conductor, employee or other person having any railroad train under his/her control in the City, who shall run any such train within the corporate limits at a greater rate of speed than fifteen (15) miles per hour, shall be deemed guilty of a misdemeanor; provided, that upon the installation and operation of flashing signals with cantilever arms at the grade crossing of the St. Louis-San Francisco Railway Company right of way and Eisenhower Street and the installation of railroad-highway crossing signals with gates at the grade crossing of the St. Louis-San Francisco Railway Company right of way and Central Street, any person being the engineer, conductor, employee or other person having any railroad train under his/her control in the City, who shall run any such train within the corporate limits at a greater rate of speed than forty-five (45) miles per hour, shall be deemed guilty of a misdemeanor. (CC 1979 §20-63; Ord. No. 773 §61, 12-2-24; Ord. No. A-1137 §1, 11-2-49; Ord. No. A-3689 §1, 5-26-76; Ord. No. A-3715 §1, 8-23-76)

*Cross Reference—As to speed limits for vehicles generally, see sch. I of Title III of this Code.*

#### **SECTION 215.610: TRAINS OR CARS OBSTRUCTING STREETS**

Any person, being a locomotive engineer or fireman or any railroad conductor or other person having charge or being in control of any train of cars or any engine or car, who shall suffer or permit the same to stand across any street in the City, so as to obstruct or prevent the free use of the same, for more than ten (10) minutes at any one time shall be found guilty of a misdemeanor. (CC 1979 §20-64; Ord. No. 773 §62, 12-2-24)

### **ARTICLE X. GENERAL PROVISIONS**

#### **SECTION 215.620: ATTEMPT**

- A. A person is guilty of attempt to commit an offense when, with the purpose of committing the offense, he/she does any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.
- B. It is no defense to a prosecution under this Section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

#### **SECTION 215.630: RESPONSIBILITY FOR THE CONDUCT OF ANOTHER**

- A. A person is criminally responsible for the conduct of another when:
  - A.1. The Statute defining the offense makes him/her so responsible; or

A.2. Either before or during the commission of an offense with the purpose of promoting the commission of an offense, he/she aids or agrees to aid or attempts to aid such other person in planning, committing or attempting to commit the offense.

B. However, a person is not so responsible if:

- B.1. He/she is the victim of the offense committed or attempted;
  - B.2. The offense is so defined that his/her conduct was necessarily incident to the commission or attempt to commit the offense. If his/her conduct constitutes a related but separate offense, he/she is criminally responsible for that offense but not for the conduct or offense committed or attempted by the other person;
  - B.3. Before the commission of the offense he/she abandons his/her purpose and gives timely warning to law enforcement authorities or otherwise makes proper effort to prevent the commission of the offense.
- C. The defense provided by Subsection (B) of this Section is an affirmative defense.

## **ARTICLE XI. OFFENSES AGAINST A PERSON**

### **SECTION 215.640: 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. (Ord. No. A-6569 §1, 9-3-97)

### **SECTION 215.650: LASER POINTERS—POSSESSION, SALE AND USE REGULATED**

- A. It shall be unlawful for any person to focus, point or shine a laser point or shine a laser beam directly or indirectly on another person in such a manner as is intended to harass, annoy or injure said person.
- B. This Section applies only to handheld pointers and excludes any and all other laser devices that may be used in other professions or occupations.
- C. It is unlawful for any person to sell a laser pointer to any person under the age of eighteen (18) years.
- D. It is unlawful for any person under the age of eighteen (18) years to possess a laser pointer.
- E. The prohibition of Subsection (D) of this Section shall not apply to the use of laser pointers with the permission and supervision of a person twenty-one (21) years of age or older.

- F. Any violation of this Section shall subject the violator to summons to Municipal Court and upon conviction shall be punishable by a fine of up to five hundred dollars (\$500.00) and costs, or ninety (90) days imprisonment, or both a fine and imprisonment. (Ord. No. A-6795 §§1-6, 2-25-99)

## CHAPTER 220: FIREWORKS

*Cross References—As to obedience to fire department employees in emergency situations, see §§310.010–310.020; as to police generally, see ch. 200.*

### SECTION 220.010: DEFINITION

"*Fireworks*" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Dago bombs, sparklers or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance; except, that the term "*fireworks*" shall not include paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap and toy pistols, toy cannons, toy canes, toy guns or other devices for the use of such caps, the sale of which shall be permitted at all times. (CC 1979 §11-1; Ord. No. A-1545 §1, 11-5-56)

### SECTION 220.020: MANUFACTURE PROHIBITED—PERMITS FOR SALE, ETC.

- G. The manufacture of fireworks is prohibited within the City.
- H. Except as provided in this Chapter, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or use or explode any fireworks; provided, that the Chief of the Fire Department shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the City, fair associations, amusement parks and other organizations or groups of individuals. Every such display shall be handled by a competent operator approved by the Chief of Police and the Chief of the Fire Department and shall be of such a character and so located, discharged or fired as, in the opinion of the Chief of the Fire Department, after proper inspection, shall not be hazardous to property or endanger any person.
- I. Applications for permits under this Section shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege shall have been granted, sale, possession use and distribution of fireworks for such display shall be lawful for the purpose only. No permit granted under this Section shall be transferable. (CC 1979 §11-2)

### SECTION 220.030: PERMITTEE TO FURNISH BOND

Every permittee under Section 220.020 shall furnish a bond, in an amount deemed adequate by the Chief of the Fire Department but not less than five hundred dollars (\$500.00), conditioned for the payment of all damages which may be caused, either to persons or to property, by reason of the permitted display and arising from any acts of the permittee, his/her agents, employees or subcontractors. (CC 1979 §11-3; Ord. No. A-1545 §3, 11-5-56)

§ 220.040  
§ 220.040

Monett City Code

**SECTION 220.040: EXEMPTIONS FROM PROHIBITION OF SALE, ETC.**

Nothing in this Chapter relative to fireworks shall be construed to prohibit any resident wholesaler, dealer or jobber from selling at wholesale such fireworks as are not herein prohibited, or the sale of any kind of fireworks, provided the same are to be shipped directly out of the City, or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. (CC 1979 §11-4; Ord. No. A-1545 §4, 11-5-56)

## **CHAPTER 225: NUISANCES**

### **SECTION 225.010: CAUSING, MAINTAINING OR PERMITTING NUISANCES PROHIBITED**

No person shall cause, maintain or permit, on premises owned or controlled by him/her, a nuisance as defined by this Chapter. (CC 1979 §19-1; Ord. No. A-1923 §1, 4-26-62)

### **SECTION 225.020: CERTAIN NUISANCES ENUMERATED—LIST NOT EXCLUSIVE**

The following things and conditions are hereby declared to be nuisances but this list shall by no means be deemed exclusive:

- I.1. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.
- I.2. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials.
- I.3. Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly flammable materials.
- I.4. Accumulations of dust or waste material in air-conditioning or ventilating systems or of grease in kitchen or other exhaust ducts.
- I.5. Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
- I.6. Any building or other structure, which for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.
- I.7. The presence of high weeds, brush and other rank vegetation, excluding shade trees, ornamental shrubs, fruit trees, domesticated berry bushes and vines, cover crops and domestic grains and plantings, on lots and pieces of land within the City limits, constituting a nuisance and a menace to the public safety, health or welfare by reason that such condition may:
  - I.7.a. Cause a fire hazard.
  - I.7.b. Furnish cover for prowlers.
  - I.7.c. Create a nuisance with potential danger of injury by means of rocks, debris, holes, etc., covered by excess growth.
  - I.7.d. Obstruct visibility at street intersections.
  - I.7.e. Result in the aggravation of allergies.

I.7.f. Furnish a potential harborage or breeding place for disease carrying insects, arthropods, animals and poisonous snakes.

The growth of weeds, brush or other rank vegetation in excess of eight (8) inches in height is declared to be a public nuisance per se, detrimental to the health, safety and welfare of the public, and upon the discovery of such a nuisance upon any property in the City. The Police shall give a hearing after ten (10) days' notice thereof, either personally or by United States mail to the owner or owners, or his or their agents, or by posting such notice on the premises; thereupon, the Chief of Police may declare the weeds to be a nuisance and order the same to be abated within five (5) days; and in case the weeds are not cut down and removed within the five (5) days, the Chief of Police shall have the weeds cut down and removed, and shall certify the costs of same to the City Clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the Collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the City Clerk and delivered to the Collector on or before the first (1st) day of October of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

No proceeding in the Municipal Court of the prosecution of a violation of this Section shall prohibit or be a bar to action by the City for the abatement of such condition and nuisance by the City, and no action by the City for the abatement of such condition and nuisance shall prohibit or be any bar to a proceeding in the Municipal Court for prosecution of a violation of this Section.

- I.8. Carcasses of animals remaining exposed more than six (6) hours after death.
- I.9. Ashes, slops, filth, excrement, stones, straw, soot, rubbish, manure, offal, stagnant water, all sorts of decaying animal matter, decaying fruit or vegetables or other vegetable matter, broken kitchenware, wrecks or parts of worn out automobiles; no more than one (1) currently unregistered and/or inoperable motor vehicle shall be parked, kept or stored on any property and the one (1) allowed unregistered and/or inoperable vehicle shall not be parked, kept or stored on any property for more than sixty (60) consecutive days, no vehicle shall, at any time, be in the state of major disassembly, disrepair or in the process of being stripped or dismantled; or other machines, scrap iron or other metals, tin cans, old bottles, broken glass, discarded wearing apparel, dead animals or any other offensive or disagreeable substance or thing, old dilapidated barns, sheds or other buildings left or deposited or caused or permitted to remain left or deposited in such quantity or in such condition as to be offensive to the sight or smell or a menace to health, safety, peace or comfort, or of such a nature as to be or become harbors or breeding places for mosquitoes, ants, flies, rats, mice or other insects, animals or vermin, whether left or deposited upon private premises owned, occupied or controlled by persons causing or permitting the same or upon any public street, sidewalk, alley, parkway, public enclosure or vacant lot; any water, stream and condensation drained from, emitted from or thrown upon any sidewalk, parkway, alley or street from any place occupied by a residence, commercial or business structure or any appurtenances thereto belonging; the creation of dust by the operation of motor vehicles, racing cars, rides or other motor driven contrivances, where the dust is carried beyond the borders of the property whereon such vehicles or contrivances may be operated.
- I.10. Factories, slaughterhouses and all places of business causing an offensive odor to a greater extent than is required for the necessary prosecution or carrying on of such business.

I.11. Garbage deposited otherwise than in a suitable container for removal.

I.12. Green or unsalted hides kept in an exposed or open place.

- I.13. Hog pens.
- I.14. Limbs of trees projecting over a sidewalk or a street at a height of less than ten (10) feet.
- I.15. Privies or septic tanks in an overflowing, leaking or filthy condition.
- I.16. Ponds and pools of unclean water.
- I.17. The rendering, heating or steaming of any animals or vegetable product or substance, in such a manner as to cause disagreeable odors.
- I.18. Stables, stalls, sheds, pens or yards in which any horses or cattle have been kept, which are in an unclean condition.
- I.19. All substances or things which cause an odor disagreeable to the surrounding neighborhood.
- I.20. The accumulation, storage, piling, stacking, placing, containing or maintaining of paper, magazines, rags, sawdust, leaves, straw or other similar substances on private or business property by the owner or the person in charge of such property, whether through his/her agents, servants, employees or otherwise, when such substances are so accumulated, stored, piled, stacked, placed, contained or maintained that they may, by natural causes, escape from the property onto the property of others or onto the streets, sidewalks or alleyways of the City.
- 21. Residential indoor furniture, appliances and/or plumbing fixtures placed out of doors, placed on unenclosed porches, whenever exposed to the weather or elements, or whenever exposed to the weather or elements on pick-up trucks or other motor vehicle. It shall not be deemed a violation of this Section if said furniture, appliances and/or plumbing fixtures are rated by the manufacturer for outdoor use. It shall not be deemed a violation of this Section if indoor furniture, appliances and/or plumbing fixtures have been placed on a residential porch which is totally enclosed with windows and doors.
- 22. Outdoor wood-burning furnaces, whenever located in the front or side yard. (CC 1979 §19-2; Ord. No. A-1923 §2, 4-26-62; Ord. No. A-4199 §1, 9-16-80; Ord. No. A-4676 §1, 8-9-85; Ord. No. A-6825 §1, 4-30-99; Ord. No. A-7050A, 7-27-01; Ord. No. 7949 §1, 12-21-09; Ord. No. A-8085 §§1-2, 12-20-11)

#### **SECTION 225.025: NUISANCES ABATED**

The Chief of the Police Department may have nuisances abated after ten (10) days' written notice to property owners if the owners fail to abate the nuisance. If written notice is impossible or impracticable, notice shall be deemed effective upon posting notice on said property. Costs of such abatement, including administrative costs and legal costs not to exceed five hundred dollars (\$500.00), shall be a lien upon the property and a personal debt against the property owners until paid. The costs of future violations of the same type on the same property shall be levied at twice the actual costs. If the nuisance involves unregistered and/or inoperable motor vehicles in violation of Section 225.020(9), then the Chief of Police shall have the option, after giving the above required ten (10) day written notice, to issue a summons to Municipal Court to the owner of the premises for violation of the nuisance provisions of the City Code and/or having the vehicle towed by a towing

company having a valid business license for the City of Monett. Notice of the location of the vehicle shall be posted on the front door of the residence from which the vehicle was removed. Summons shall be served as required by law. The owner of said vehicle shall have the right to reclaim the

same at the designated towing company upon payment of all reasonable towing and storage charges. Violation of this Section shall be punishable by a fine of no greater than five hundred dollars (\$500.00) and any applicable court costs and fees. (Ord. No. A-7075, 9-13-01; Ord. No. A-8086 §§1–2, 12-20-11)

**SECTION 225.030: ANIMAL PENS OR ENCLOSURES—ANIMALS CREATING NUISANCES GENERALLY**

- A. No person shall keep, or cause, allow or permit to be kept, on any premises in the City occupied by him/her or under his/her charge or control any goats, cattle, sheep, poultry, dogs, cats or other animals or fowl in a pen or other enclosure so that the same shall constitute a nuisance to any inhabitant in the vicinity thereof by creating an offensive or noxious smell or odor or offensive noise.
- B. No person shall permit or allow any goats, cattle, sheep, poultry, dogs, cats or other animals or fowl owned, kept or fed by him/her or under his/her control to create a nuisance to the inhabitants in the vicinity of such person by creating an offensive or noxious smell or odor or offensive noise or by repeatedly entering upon property in the vicinity owned by or in the possession or control of others.
- C. *Offensive, Noisome, etc., Barns, Stables or Pens.* No person shall erect, operate or maintain any barn, stable, hen house, hutch or pen, of any kind whatsoever, and permit the same to become offensive, noisome, disagreeable or obnoxious to the neighborhood in which the same may be located.
- D. *Cleanliness of Pens, etc.* It shall be the duty of the owner or person having control of any pen or other enclosure wherein any animal or fowl shall be kept within the City to remove all refuse therefrom at least once each day, and as much oftener as may be necessary to keep the same in a clean and sanitary condition and prevent odors. (CC 1979 §§4-12, 4-13, 19-3; Ord. No. A-1923 §4, 4-26-62; Ord. No. A-2949 §1, 9-21-70)

*Cross References—As to cleanliness of pens, etc., see §210.120; as to cleanliness of stables, sheds, etc., generally, see §§210.120–210.140.*

**SECTION 225.040: FUNGUS HISTOPLASMA CAPSULATUM**

- A. It is hereby determined that the presence of the fungus *Histoplasma capsulatum* upon any property in the City is or may be injurious to the health and welfare of the inhabitants of the City, and the presence of the fungus *Histoplasma capsulatum* on any property in the City shall constitute a nuisance.
- B. No person shall cause, maintain or permit on property owned or controlled by him/her the presence of the fungus *Histoplasma capsulatum*.
- C. Upon discovery of the presence of the fungus *Histoplasma capsulatum* upon any property in the City, the Chief of Police shall give notice thereof by posting a notice thereof upon such property and

mailing a copy of such notice to the last known address of the record owner of such property or delivering a copy of such notice to the person controlling such property or owning the same.

- D. Upon the posting and mailing or delivery of such notice, the person owning or controlling such property shall cause the presence of the fungus *Histoplasma capsulatum* and such nuisance to be

abated in accordance with procedures recommended by the Public Health Service of the U. S. Department of Health, Education and Welfare within five (5) days after such notice is posted and mailed or delivered and provide proof of such abatement to the Chief of Police.

- E. If the person owning or controlling such property where the fungus *Histoplasma capsulatum* has been found to exist does not cause the same to be abated within five (5) days after such notice is posted and mailed or delivered, the City may cause the presence of such fungus *Histoplasma capsulatum* and such nuisance to be abated, and the person owning or controlling such property at such time shall be civilly liable to the City for the cost of such abatement, and upon such abatement being completed by the City, the Chief of Police shall cause the cost thereof to be certified to the City Collector and a copy thereof to be mailed or delivered to the person owning or controlling such property. The amount so certified shall constitute a lien upon the property upon which such



condition and nuisance was abated, which may be foreclosed by appropriate proceeding in the Circuit Code of the County.

- F. Duly authorized representatives of the City shall be permitted to enter upon and make appropriate tests to determine the presence of the fungus *Histoplasma capsulatum* upon any property within the City upon which the presence of such fungus is reasonably suspected, and for the purpose of abating the presence of the fungus *Histoplasma capsulatum* and such nuisance, and for the purpose of making appropriate tests to determine if the same has been abated.
- G. No proceeding in the Municipal Court of the prosecution of a violation of this Section shall prohibit or be any bar to action by the City for the abatement of such condition and nuisance by the City, and no action by the City for the abatement of such condition and nuisance shall prohibit or be any bar to a proceeding in the Municipal Court for prosecution of a violation of this Section. (CC 1979 §19-4; Ord. No. A-3836 §§1-6, 11, 7-19-77)

#### **SECTION 225.041: GRAFFITI ON PUBLIC OR PRIVATE PROPERTY**

- A. *Definitions.* Whenever the following terms are used in this Section, they shall have the following meanings:

*GRAFFITI:* The defacing, damaging or destroying by the spraying of paint or marking of ink, chalk, dye or other similar substance in the form of drawings, inscriptions, figures or marks on public and private buildings, structures and places without the prior consent of the owner of the premises or the agent of the owner of the premises.

*GRAFFITI ABATEMENT PROCEDURE:* A procedure which identifies graffiti, issues notice to the landowner to abate the graffiti, provides remedies in the absence of a response and provides for a penalty for lack of compliance.

- B. It shall be unlawful for any person to write, paint or draw any graffiti upon any wall, rock, bridge, building, fence, gate, other structure, tree or other real or personal property within the City limits, whether publicly or privately owned.
- C. When appropriate and in addition to a fine and/or imprisonment, the courts may require those who commit acts of defacement of public or private property through the application of graffiti to restore the property so defaced, damaged or destroyed. The public is encouraged to cooperate in the elimination of graffiti by reporting to the Monett Police Department all incidents of the application of graffiti that they observe.
- D. *Notice of Removal and Hearing.*
  - D.1. Whenever the Chief of Police, Building Inspector, Code Enforcement Officer or his/her designees determine that graffiti exists on any public or private buildings, structures or places which are visible to any person using any public right-of-way in the City, be it road, parkway, alley or otherwise, and the seasonal temperatures permit the painting of exterior surfaces, the City may cause a notice to be issued to abate such nuisance. The property owner shall have ten (10) days after the date of issuance of the notice to remove or paint over the graffiti or request

in writing a hearing be held by the City Administrator to determine if the graffiti constitutes a nuisance or the graffiti will be subject to abatement by the City. If a hearing is requested, it shall be held within thirty (30) days of the written request. If the City Administrator determines, after hearing and issuance of written findings and orders, that a

nuisance does exist, the property owner shall have ten (10) days from the date of the determination to abate the public nuisance through the removal or painting over of the graffiti.

D.2. The notice to abate graffiti issued pursuant to this Section will be a written notice to be served upon the owner of the premises or the agent of the owner of the affected premises, as such owner's name or agent's name and address appears on the last property tax assessment rolls of Barry and/or Lawrence County. If there is no known address for the owner of the premises or the agent of the owner, the notice shall be sent in care of the property address or posted as hereinafter set forth. The notice required by this Section may be served in any of the following manners:

D.2.a. By personal service on the owner, occupant or person in charge or control of the property.

D.2.b. By registered or certified mail addressed to the owner at the owner's last known address or the agent of the owner's last known address. If both are unknown, the notice shall be sent to or posted on the property address.

D.3. The notice shall be substantially in the following form:

**NOTICE TO REMOVE GRAFFITI**

Date of notice: \_\_\_\_\_

NOTICE IS HEREBY GIVEN that you are required by law, at your expense, to remove or paint over the graffiti located on the property situated at \_\_\_\_\_, Monett, Missouri, which is visible to public view, within ten (10) days after the date of this notice.

You may request a hearing on this order before the City Administrator within (10) days of the date of this notice. If the graffiti is not removed or painted over or a hearing requested within ten (10) days of the date of this notice or within ten (10) days of a determination by the City Administrator subsequent to a hearing upon this notice, the City will enter upon your property and abate the public nuisance by removing or painting over the graffiti. The cost of the abatement by the City will be assessed against this property and such costs, if not paid by you within thirty (30) days of the abatement, will constitute a lien upon the property until paid.

D.4. Upon failure of the person(s) to comply with the notice by the designated date or within ten (10) days after any hearing where a nuisance is determined by the City Administrator, the City is authorized to cause the graffiti to be abated by City employees or a private contractor employed by the City. The City or its private contractor is expressly authorized to enter upon the premises for such purposes. If the City or its private contractor accomplish the removal of the graffiti, they shall not authorize nor undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located.

D.5. The City will provide the owner of the premises, or the agent of the owner of the affected premises, notice in the manner set forth above of the City's intent to assess the costs of abatement against the property. Any and all costs incurred by the City in the abatement of the graffiti under the provisions of this Section, which authorize assessment of the cost, shall constitute a lien against the property upon which such nuisance existed. Any such assessment

shall be collected in the same manner as is provided in the Code of Ordinances of the City of Monett, Missouri, for all other taxes and/or assessments.

E. *Penalty.* Any person violating or failing to comply with any provision of this Section shall be

§ 225.041

Nuisances

§ 225.050

deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 100.080 of this Code. (Ord. No. 7877 §1, 8-20-08)

**SECTION 225.050: VIOLATIONS**

Any person violating or failing to comply with any provision of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 100.080 of this Code. (CC 1979 §19-5; Ord. No. A-1923 §5, 4-26-62)



## **CHAPTER 230: PARKS**

*Cross References—As to department of parks and public property generally, see §§120.160–120.170 of this code; as to trees and shrubs generally, see ch. 235.*

### **ARTICLE I. IN GENERAL**

#### **SECTION 230.010: "PARK" DEFINED**

Whenever the word "*park*" appears in this Chapter, it shall be deemed to mean both public parks and public playgrounds. (CC 1979 §21-1; Ord. No. 728 §13, 6-3-24)

#### **SECTION 230.020: "WRITTEN PERMISSION OR CONSENT" DEFINED**

Whenever it is provided in this Chapter that "written permission or consent" shall be had, it shall mean written permission or consent of the Superintendent of Parks or of the City Council, unless otherwise provided. (CC 1979 §21-2; Ord. No. 728 §14, 6-3-24)

#### **SECTION 230.030: PARK SUPERINTENDENT—COUNCIL TO EMPLOY—COMPENSATION**

The City Council shall employ a suitable person each year to serve as Park Superintendent, at such salary as the Council shall declare by ordinance. (CC 1979 §21-3)

#### **SECTION 230.040: PARK SUPERINTENDENT—DUTIES GENERALLY—SUPERVISION AND CONTROL**

The Park Superintendent shall be the custodian of the park, the casino and all other buildings and property related thereto and as such custodian shall have the management of the park, park buildings and other property related thereto. He/she shall also be in charge of the municipal golf course, the City owned cemeteries and the City owned swimming pools. The Park Superintendent shall be subject to the control and supervision of the Superintendent of the Department of Parks and Public Property. (CC 1979 §21-4)

#### **SECTION 230.050: PARK SUPERINTENDENT—PROMULGATION OF RULES AND REGULATIONS—EX OFFICIO MEMBER OF PARK BOARD**

The Park Superintendent shall have authority to promulgate such rules and regulations as may be necessary for the operation and maintenance of the park, park buildings and other property related thereto, which such rules and regulations shall be approved or rejected by the Council. The Park Superintendent shall be an ex officio member of the Park Board. (CC 1979 §21-5)

**SECTION 230.060–230.080: RESERVED**

*Editor's Note—Ord. no. 7544 §1, adopted March 29, 2005, repealed sections 230.060 "city swimming pool—admission fees", 230.070 "city swimming pool—illegal use or entry" and 230.080 "city swimming pool—penalties" in their entirety. Sections 230.060–230.080 derived from CC 1979 §§21-6–21-7.1; ord. no. A-3549 §§1–3, 5-14-75; ord. no. A-4360 §§1–4, 5-21-82; ord. no. A-5692 §1, 4-9-93; ord. no. A-6240 §§2–3, 3-15-96; ord. no. A-6492 §1, 4-10-97; ord. no. 6638 §1, 2-19-98; ord. no. 7286 §1, 2-25-03; ord. no. 7326, 6-26-03. These sections have been reserved for the city's future use.*

**ARTICLE II. CITY PARKS GENERALLY**

**SECTION 230.090: PUBLIC PARKS AND PUBLIC GOLF COURSE TO REMAIN CLOSED CERTAIN HOURS—ENTERING OR BEING ON GROUNDS OR IN BUILDINGS WHEN CLOSED PROHIBITED WITHOUT SPECIAL PERMISSION**

- A. The public parks and public golf course of the City, including North Park, shall be closed daily from the hour of 11:00 P.M. until thirty (30) minutes after sunrise the following day.
- B. No person shall enter, remain or be upon the grounds or in the buildings of the public parks or golf course during the hours in which such public parks and golf course are closed, except when special permission is granted by the Park Superintendent.
- C. The Park Superintendent may grant special permission for persons to be, remain or enter the public parks or golf course, and the grounds and buildings thereof, after closing hours, when such persons are members of an organized group desiring to conduct activities in the public parks or golf course, and when one individual who is a member of or in charge of such group shall agree to be responsible to determine that the members of such group leave such premises upon the termination of the activities of such group and the Park Superintendent determines that the activities of such group will not be detrimental to or damage the parks or golf course facilities. Such special permission shall be granted only upon written application to the Park Superintendent designating the group desiring to use such facilities after closing hours, the activities to be conducted and the number in the group and designating an individual to be responsible to determine that the members of such group leave such premises upon the termination of the activities of such group. (CC 1979 §§21-8; Ord. No. A-1934 §§1–3, 7-9-62)

**SECTION 230.100: PERSONAL CONDUCT WHILE IN PARKS GENERALLY**

No person in any City park shall:

- .1. Enter or leave the park, except by the walks, paths or drives.
- .2. Lead or allow to be loose any animal upon park premises; except, that dogs may be led or carried but not allowed loose.
- .3. Throw stones or missiles by hand or otherwise, carry or discharge firearms or set off any fireworks or similar things in the park.
- .4. Cut, mark, break or climb upon, or in any way deface the trees, shrubs, plants or turf, or any of the buildings, fences, bridges, signs, placards or notices, or any structure or property within or upon park premises.
- .5. Bring upon any park premises any tree, shrub or plant, any newly plucked branch or any portion of a tree, shrub or plant.
- .6. Race with horses, automobiles, motorcycles or bicycles.
- .7. Ride or drive faster than ten (10) miles an hour within the City park.
- .8. Drive any animal or vehicles anywhere in the City park, except in the drives, or to allow them to stand unattended, except at parking or hitching places especially provided for such purposes.
- .9. Obstruct the drives or paths.
- .10. Stand or keep in or upon any park premises, without special permission in writing from the Superintendent of Parks, any horse, burro or other animal, or any hack, carriage, automobile or other vehicle for the purpose of hire or solicitation of patronage.
- .11. Solicit patronage for any vehicle for hire upon any park premises, without special permission in writing from the Superintendent of Parks.
- .12. Drive or take any job or freight wagon in or upon any of the park premises, except those in park employ, private wagons or motor vehicles conveying families and persons, or upon special written permission.
- .13. Trail vehicles, use threatening, abusive, insulting, indecent, obscene or profane language or be guilty of drunkenness, fighting or quarreling or indecency in or upon the City park.
- .14. Lie, lounge or sleep on the benches or lie in indecent positions on the benches or the ground.
- .15. Tell fortunes or play games of chance, or offer any article or thing for sale, except by written permission.

- .16. Distribute or expose any kind of circulars or advertisements or post, stencil or otherwise affix any notice or bills or other paper upon any structure, fence, tree or thing in or about the park premises, park drives, roads or boulevards.

- .17. Shoot at, catch or disturb any water fowl or other birds belonging to, preserved in or being in or about the park.
- .18. Touch, molest or destroy the nests of any birds, or the eggs therein, within the park.
- .19. Take, carry or display any flag, banner, target or transparency or fly any kite within or upon the park, or parade, drill or perform therein any military or other evolution or movements as a military unit, target company, civic group or otherwise, without written permission.
- .20. Light, make or use any fire therein at any place, except such as may be designated by the Superintendent of the City park for that purpose.
- .21. Go on foot or otherwise upon the grass, lawn or turf of the park, wherever the sign "Keep Off the Grass" is shown.
- .22. *Fishing regulation.* No fishing shall be permitted in the Monett City Park between January first (1st) and May twenty-ninth (29th) in any calendar year. Between May thirty (30) and December thirty-first (31st) in any calendar year, fishing shall be permitted during normal park hours only upon the following terms and conditions:
  - .22.a. No fishing shall be permitted by anyone over fifteen (15) years of age.
  - .22.b. Any person over the age of fifteen (15) years who shall fish in the Monett City Park shall be guilty of a misdemeanor and shall be punished as provided herein. (CC 1979 §21-9; Ord. No. 728 §1, 6-3-24; Ord. No. A-5497 §1, 4-10-92)

**SECTION 230.110: TAKING FLOWERS, PLANTS OR SHRUBS**

No flowers, plants or shrubs shall be taken or given away from the park, without written permission. (CC 1979 §21-10; Ord. No. 728 §2, 6-3-24)

*Cross Reference—As to damaging, interfering with, etc., city property generally, see §§215.240 and 215.270 of this code.*

**SECTION 230.120: GATHERINGS PROHIBITED WITHOUT PERMISSION**

No gatherings shall be permitted in the park without the written permission of the Park Superintendent. (CC 1979 §21-11; Ord. No. 728 §3, 6-3-24)

**SECTION 230.130: INTOXICATING LIQUORS**

Except in the Park Casino and Public Golf Course, no intoxicating liquors shall be allowed to be sold or given away or to be brought into, used or drunk within the City park. (CC 1979 §21-12; Ord. No. 728 §4, 6-3-24)

*Cross Reference—As to alcoholic beverages generally, see ch. 600 of this code.*



§ 230.140

Parks

§ 230.190

**SECTION 230.140: LITTERING**

No person shall drop, throw or place any wastepaper, straw, dirt, weeds, ashes, refuse, swill or other rubbish, though not offensive to health, in or upon any park property, driveway or road under the control of the Superintendent of Parks, or any part thereof.

(CC 1979 §21-13; Ord. No. 728 §5, 6-3-24)

*Cross References—As to littering generally, see §215.250.*

**SECTION 230.150: PLACING OF BUILDINGS, TENTS, BOOTHS, ETC.**

No person shall be permitted to build or place any tent, building, booth, stand or other structure in any park, driveway or road under the control of the Superintendent of Parks, without first obtaining the written permission of the Superintendent of Parks. (CC 1979 §21-14; Ord. No. 728 §6, 6-3-24)

**SECTION 230.160: INJURING PARK PROPERTY**

No person shall dig, injure or tear up any sidewalk, crosswalk, grass plot or roadway, or any part thereof, or any part of any parking driveway or road, or dig down into, expose or tear up, disconnect or connect with any water pipes or sewers in the park or in or under any parking, driveway or road under the control of the Superintendent of Parks, without having first obtained his/her written permission. (CC 1979 §21-15; Ord. No. 728 §7, 6-3-24)

*Cross Reference—As to damaging, interfering with, etc., city property generally, see §§215.240 and 215.270 of this code.*

**SECTION 230.170: MOVING BUILDINGS THROUGH PARK PROPERTY**

No person shall move any building along, across or upon any park, driveway or road under the control of the Superintendent of Parks, without having first obtained permission.

(CC 1979 §21-16; Ord. No. 728 §8, 6-3-24)

**SECTION 230.180: HAULING GRAVEL, CINDERS, RUBBISH, ETC.**

It shall be unlawful for any person to engage in driving, within or upon the driveways or roads under the control of the Superintendent of Parks, crushed stone, sand, gravel, sawdust, ashes, cinders, lime, shavings, wastepaper, mortar, earth, coal, bricks, stone, rubbish, manure or other loose material likely to sift, fall or be blown upon such park or street, except in tight boxes or in vehicles securely covered with canvas and filled only to water level. In case any such materials fall or are scattered upon any park, driveway or road under the control of the Superintendent of Parks, such person shall cause them to be forthwith removed. (CC 1979 §21-17; Ord. No. 728 §9, 6-3-24)

**SECTION 230.190: SCATTERING CONTENTS OF OVERLOADED VEHICLES**

It shall be unlawful for any person to cause any cart, wagon or other vehicle to be loaded and heaped up so that the contents, or any part thereof, shall be scattered within or upon any park,

§ 230.190  
§ 230.240

Monett City Code

driveway or road under the control of the Superintendent of Parks.  
(CC 1979 §21-18; Ord. No. 728 §10, 6-3-24)

*Cross Reference—As to overloaded or dangerously loaded vehicles generally, see §340.270 of this code.*

**SECTION 230.200: DRIVING CATTLE OR HORSES THROUGH PARK PROPERTY**

Loose cattle or horses shall not be allowed to be driven in or upon, along or through any part of any park, parkway, avenue, driveway or road under the control of the Superintendent of Parks, without written permission. (CC 1979 §21-19; Ord. No. 728 §11, 6-3-24)

*Cross Reference—As to animals and fowl generally, see ch. 210 of this code.*

**SECTION 230.210: APPLICABILITY OF OTHER PROVISIONS OF CODE AND OTHER ORDINANCES TO CITY PARK**

All provisions of this Code and other ordinances of the City, where applicable, shall apply and be in force in the public park of the City, and the Police Department is authorized and empowered to enforce all such provisions or ordinances, including this Chapter, in the public park as well as in other portions of the City limits. (CC 1979 §21-20; Ord. No. 728 §12, 6-3-24)

**ARTICLE III. PARK CASINO**

**SECTION 230.220: DUTIES OF PARK SUPERINTENDENT GENERALLY CONCERNING PERMITS**

It shall be the duty of the Park Superintendent or his/her representative to investigate all applicants for meetings in the casino building and to issue permits only to persons who will in good faith try to keep such meeting orderly and permit or tolerate no improper conduct.  
(CC 1979 §21-25; Ord. No. A-931 §2, 10-3-46)

**SECTION 230.230: PERMIT REQUIRED**

It shall be unlawful for any person, society, club or organization to hold a dance, meeting, gathering or assembly of any kind in the casino building without first having obtained a permit in writing from the Park Superintendent or his/her representative, not later than twelve (12) hours before such dance, meeting, club or organization or society shall assemble.  
(CC 1979 §21-26; Ord. No. A-931 §4, 10-3-46)

*Cross Reference—As to licenses and business regulations generally, see ch. 605 of this code.*

**SECTION 230.240: APPLICATION FOR PERMIT**

Any person, society, club or organization desiring to hold a dance, meeting, gathering or assembly

§ 230.240

Parks

§ 230.270

of any kind in the casino building shall make application for a permit, in writing, to the Superintendent of Parks, on a form furnished by the City. Said permit shall clearly indicate whether or not alcoholic beverages will be used. (CC 1979 §21-27; Ord. No. A-931 §3, 10-3-46)

**SECTION 230.250: RESPONSIBILITIES OF PERMIT HOLDERS**

Every person receiving a permit as provided for in this Article shall at all times maintain a close supervision of the acts and conduct of all persons in such building and at no time permit any improper conduct of any kind or character, and shall enforce all rules, and maintain order. Any failure to comply with this Section shall be deemed a misdemeanor. (CC 1979 §21-28; Ord. No. A-931 §5, 10-3-46)

**SECTION 230.260: PERSONAL CONDUCT IN CASINO BUILDING**

It shall be unlawful for any person under the influence of liquor to attend any dance, meeting, gathering or assembly of any kind or character in the casino building or to engage in any vulgar dances or any vulgar, lewd or boisterous conduct in or about such place; or for any person, of either sex, of lewd or unchaste or ill famed character to enter or loiter about such casino building. (CC 1979 §21-29; Ord. No. A-931 §6, 10-3-46)

**SECTION 230.270: CHARGES FOR USE**

A. The following charges shall be collected from persons, firms or organizations renting the park casino:

Lounge—day rate .....	\$8.00 per hour for residents of the City and \$10.00 per hour for non-residents of the City.
Lounge—evening—weekend rate:.....	\$10.00 per hour for residents of the City and \$12.00 per hour for non-residents of the City.
Hall—day rate .....	\$12.00 per hour for residents of the City and \$15.00 per hour for non-residents of the City.
Hall—evening—weekend rate: .....	\$15.00 per hour for residents of the City and \$20.00 per hour for non-residents of the City.
Kitchen:.....	\$10.00 for non-cooking usage and \$40.00 if used for cooking.
Dances.....	\$50.00 additional charge for residents of the City and \$60.00 for non-residents of the City.
Cleanup .....	Ordinary cleanup time for casino usage will be two (2) hours. If more time is required for

cleanup, an additional charge of \$10.00 per hour will be assessed.

A minimum rental of two (2) hours will apply to all fees.

If alcohol is served or consumed on the premises, a surcharge of seventy-five dollars (\$75.00) will be added to all other costs.

B. A fee for the use of the casino will be required at the time of scheduling. If cancelled six (6) weeks or more before the scheduled date, the fee will be refunded; otherwise, no refund will be given. The City may require an additional damage deposit.

C. The following charges shall be collected from persons, firms or organizations renting the community building:

Regular rental \$8.00 per hour.

D. The above pricing for the casino and community building will be effective with the date of passage of this Section. Individuals, persons, firms or organizations that have reserved the casino or community building prior to the effective date will have their choice of either the old or new rate. (CC 1979 §21-30; Ord. No. A-3550 §1, 5-14-75; Ord. No. A-4361 §1, 5-21-82; Ord. No. 5684 §1, 3-30-93; Ord. No. A-6240 §1, 3-15-96; Ord. No. A-7038 §1, 5-21-01; Ord. No. 7287 §1, 2-25-03)

**SECTION 230.280: CLOSING DATES FOR MONETT CITY PARK CASINO**

The Monett City Park Casino will be closed on Thanksgiving Day and Christmas Day. The Casino will be closed on these two (2) days only and be open for business all other days of the year. (CC 1979 §21-30.1; Ord. No. A-5061 §1, 12-9-88)

**ARTICLE IV. GOLF COURSE FEES**

**SECTION 230.290: GOLF COURSE FEES**

A. Golf course fees for the various activities and services at the Monett Municipal Golf Course will be established based upon the number of participants and costs associated with the operation of the golf course. Upon review of operational costs, the fees will be established by the City Council.

B. Any change in golf course fees will be posted to the public with a thirty (30) day advance notice. (Ord. No. 7543, 3-29-05)

**ARTICLE V. RESERVED**

**SECTIONS 230.300–230.410: RESERVED**

*Editor's Note—Ord. no. A-7171 §1, adopted on May 1, 2002, repealed article IV. "Municipal golf course—generally" and article V. "Municipal golf course—golf cart storage shed" (sections 230.290–230.410) in their entirety. Former sections 230.290–230.410 derived from CC 1979 §§21-31–21-42; ord. no. A-3076 §§1–4, 8-25-71; ord. no. A-3779 §§2–4, 6–7, 3-14-77; ord. no. A-4286 §1, 6-5-81; ord. no. A-4980 §§2–3, 4-29-88; ord. no. A-5218 §2, 3-26-90; ord. no. A-5335 §1, 1-10-91; ord.*

*no. A-6239 §§1–2, 3-8-96; ord. no. A-6260 §1, 4-18-96; ord. no. 6671, 4-17-98; and ord. no. 6827 §1, 4-28-99. These sections have been reserved for the city's future use.*

*Subsequently, ord. no. 7543, adopted March 29, 2005, adopted article IV, section 230.290 "golf course fees". Sections 230.300–230.410 remain reserved for the city's future use.*

§ 230.420  
§ 230.440

Parks

## ARTICLE VI. MISCELLANEOUS FEES

*Editor's Note—Ord. no. A-7136 §§1–2, adopted March 26, 2002, repealed Art. VI, miscellaneous fees, and enacted the new provisions set out herein. Former §§230.420–230.450 derived from ord. no. A-5488 §§1–5, 3-10-92; ord. no. A-5517 §1, 5-11-92; ord. no. A-5894 §1, 3-23-94; and ord. no. A-6240 §3, 3-15-96.*

### SECTION 230.420: FEES

- A. Based upon number of participants and the costs associated with each activity, charges will be established for the various recreational activities of the City of Monett park system. The entry fee for games involving adult leagues, i.e. volleyball, basketball, softball, or any other adult league activity, is established by the number of games a team will play. This entry fee will be based upon costs associated with each activity.
- B. Minimum and maximum participation required in each category shall be established by the Recreational Director upon Council's review. (Ord. No. A-7136 §§1–2, 3-26-02)

### SECTION 230.430: SOFTBALL FIELD RENTAL

The following guidelines are established for the softball field rental:

- .1. To host a tournament the charge will be thirty-five dollars (35.00) per field per day, plus charge of six dollars (\$6.00) per hour if lights are used. In addition, a deposit of twenty-five dollars (\$25.00) will be required, which can be returned if no damage due to neglect is incurred.
- .2. Special interest groups, church or civic groups desiring to use the facilities may do so at no charge for use of the field or lights. If such groups request the City to mark the field for softball or baseball use, there will be a fifteen dollar (\$15.00) fee per field for each striping.
- .3. Rental for company picnics will be charged forty dollars (\$40.00) per day. If there is utilization of lights, then a charge of six dollars (\$6.00) per hour will be charged. Groups of this type will be assessed any cost for damages resulting during their use. (Ord. No. A-7136 §§1–2, 3-26-02)

### SECTION 230.440: DISPOSITION OF FUNDS

All funds collected are to be remitted to the collections office of the City of Monett, Missouri, and the Treasurer of the City of Monett, Missouri, hereby is directed and authorized to make payment from the General Fund of the City of Monett, Missouri, for all expenses incurred in connection with the above activities. (Ord. No. A-7136 §§1–2, 3-26-02; Ord. No. 7593 §1, 8-22-05)

[The next page is 147]

## **CHAPTER 235: TREES AND SHRUBS**

*Cross References—As to trimming of trees, etc., necessary to furnishing telephone service, see §610.050; as to injuring or destroying trees, shrubs, etc., see §215.270; as to parks and recreation generally, see ch. 230.*

### **ARTICLE I. TREES ON PRIVATE PROPERTY**

#### **GENERALLY**

#### **SECTION 235.010: PERMITTING TO INTERFERE WITH TRAVELING PUBLIC**

It shall be unlawful for the owner of any private property to permit, allow or suffer any tree thereon to damage, disturb, overhang or intrude upon any public street, alley, boulevard, public way or sidewalk to such an extent that the same unreasonably interferes with the traveling public. Any such tree shall be deemed to so interfere if the branches thereof shall overhang or intrude within an area of ten (10) feet above the traveled surface of any sidewalk or twelve (12) feet above the traveled surface of any street. (CC 1979 §30-11; Ord. No. A-2261 §1, 7-9-65)

#### **SECTION 235.020: PERMITTING OR MAINTAINING DANGEROUS TREES**

It shall be unlawful for the owner of any private property to permit, allow or suffer any tree thereon to become or to remain in such an insecure or unsafe condition that the same is apt to fall upon the public ways or do injury to persons traveling the public ways or thoroughfares of the City. (CC 1979 §30-12; Ord. No. A-2261 §2, 7-9-65)

#### **SECTION 235.030: TREES INTERFERING WITH OR DANGEROUS TO PUBLIC TRAVEL DEEMED NUISANCE—ABATEMENT OF NUISANCE BY STREET COMMISSIONER, ETC.**

Any tree on private property which shall interfere with the traveling public or which is apt to fall upon the public ways or do injury to persons traveling the public ways is hereby deemed to be a nuisance, and the Street Commissioner is hereby authorized to abate any such nuisance whenever the owner of any such tree shall fail or refuse to do so. It shall be unlawful for any person to interfere with or impede the Street Commissioner, or his/her agents, servants or employees, while they are performing the duties imposed upon them by this Section. (CC 1979 §30-13; Ord. No. A-2261 §3, 7-9-65)

*Cross Reference—As to nuisances generally, see ch. 225 of this code.*

### **ARTICLE II. CUTTING OR REMOVAL OF**

#### **TREES BY CITY**

#### **SECTION 235.040: TREES ON PRIVATE PROPERTY**

The City will not cut or remove trees on private property, except those trees deemed to be nuisances, as provided in Section 235.030 and then only at the expense of the owner of such private property. (CC 1979 §30-14; Ord. No. A-2247 §1, 6-8-65)

§ 235.050  
§ 235.100

Monett City Code

**SECTION 235.050: RESERVED**

*Editor's Note—Ord. no. A-6775 enacted 1-13-99, repealed §235.050 in its entirety without any provisions for its replacement. Previous §235.050 derived from CC 1979 §30-15; ord. no. A-2247 §5, 6-8-65. This section has been left reserved for the City's future use.*

**SECTION 235.060: DEAD TREES IN PARKWAYS AND ALLEYS**

The City may, subject to the restrictions set forth in this Chapter, cut dead trees in parkways and alleys when such cutting does not, in the opinion of the Superintendent of the Street Department, interfere with the work of the Street Department. Such cutting shall not be done during the period from June first (1st) to September thirtieth (30th), except when such dead tree constitutes a hazard to persons or property. (CC 1979 §30-16; Ord. No. A-2247 §2, 6-8-65)

**SECTION 235.070: LIVE TREES GENERALLY**

The City will not cut or remove live trees, except as provided in this Article.  
(CC 1979 §30-17; Ord. No. A-2247 §3, 6-8-65)

**SECTION 235.080: TREES INTERFERING WITH UTILITY SYSTEM OR HAZARDOUS TREES**

Notwithstanding any other provision of this article, the City may at any time cut, trim or remove any tree that interferes with the utility system of the City or the sidewalks of the City, or when such trees constitute a hazard to person or property. (CC 1979 §30-18; Ord. No. A-2247 §4, 6-8-65)

**ARTICLE III. STREET TREES GENERALLY**

**SECTION 235.090: STREET TREE—DEFINED**

The term "*street tree*," as used in this Article, shall mean any tree located within the right of way of any public street or alley open to travel within the City.  
(CC 1979 §30-19; Ord. No. A-2260 §2, 7-9-65)

**SECTION 235.100: AUTHORITY GENERALLY OF STREET COMMISSIONER**

It shall be the responsibility of the Street Commissioner to carry out, enforce and administer the provisions of this Article. The Street Commissioner shall have the authority to plant, replant, trim, prune, spray, fertilize and otherwise treat any tree or shrub located within the right of way of a

§ 235.100

Trees and Shrubs

§ 235.150

public street, whenever necessary to carry out the provisions of this Article.  
(CC 1979 §30-20; Ord. No. A-2260 §1, 7-9-65)

**SECTION 235.110: TRIMMING AND MAINTENANCE GENERALLY**

A regular maintenance program shall be established for the care and preservation of all street trees within the City, so as to preserve their natural beauty, avoid interference with the use of the public streets and avoid the spread of disease. All street trees shall be trimmed, so as to provide on all sides other than the roadway side a clearance of ten (10) feet. On the roadway side of all streets and alleys, a clearance of twelve (12) feet shall be provided and maintained. No street tree or other tree shall be located on public property or within any publicly held right of way which shall interfere with, or is about to interfere with, any sidewalk, public storm or sanitary sewer, pipe line or appurtenances, waterlines or other public utility lines, poles and appurtenances. It shall be the duty of the Street Commissioner, and he/she shall have authority, to trim or remove, if need be, any street tree that does not comply with the provisions of this Article.

(CC 1979 §30-21; Ord. No. A-2260 §3, 7-9-65)

**SECTION 235.120: PERMITTING NONCOMPLYING STREET TREE TO REMAIN ON PROPERTY**

It shall be unlawful for any person to permit to remain on property owned or occupied by him/her any street tree that does not comply with the provisions of this Article.

(CC 1979 §30-22; Ord. No. A-2260 §4, 7-9-65)

**SECTION 235.130: PLANTING OR LOCATION TO BE STAGGERED**

Insofar as conditions will permit, street trees shall be planted or located so that a street tree on one side of a street within any block will be located midway between any two (2) street trees on the other side of the street; provided, that the same may be done without conflicting with any other provisions of this Article. (CC 1979 §30-23; Ord. No. A-2260 §7, 7-9-65)

**SECTION 235.140: LOCATION IN NARROW PARKWAYS**

No person shall plant or cause to be planted any street tree in any parkway which has a width of less than six (6) feet, unless the Street Commissioner shall find that the proposed tree to be planted will, at its maturity, attain a height no greater than twenty-five (25) feet and a trunk diameter no greater than eight (8) inches and that the rooting system of the type of tree proposed is of a deep rooting nature, not likely to cause damage to or interfere with sidewalks, curbs or streets.

(CC 1979 §30-24; Ord. No. A-2260 §8, 7-9-65)

**SECTION 235.150: PERMITTED SPECIES—MAXIMUM HEIGHTS—MINIMUM CLEARANCES BETWEEN TREES OF SAME SPECIES**

It shall be unlawful for any person to:

.1. Plant, or cause to be planted any street tree other than the following species;

§ 235.150

- .2. Plant or maintain, or cause to be planted or maintained, any street tree exceeding the following maximum heights; or
- .3. Plant, or cause to be planted, any two (2) street trees of the same type, the minimum clearance between the trunks of which shall exceed the following:
  - .3.a. *Height class fifteen (15) feet to thirty-five (35) feet.*

<b>Species</b>	<b>Common name</b>	<b>Maximum height</b>	<b>Minimum clearance</b>
Acer cappadocicum rubrum	Red coliseum maple	35 feet	50 feet
Acer ginnala	Amur maple	20 feet	40 feet
Acer griseum	Paperback maple	25 feet	50 feet
Acer palmatum	Japanese maple	20 feet	40 feet
Acer pennsylvanicum	Striped maple	35 feet	50 feet
Acer platanoides Olmsted	Olmsted columnar Norway maple	25 feet	50 feet
	Norway maple	25 feet	50 feet
Acer platanoides Cleveland	Cleveland Norway maple (yellow)	30 feet	50 feet
Acer platanoides umbraculifera	Globe Norway maple	20 feet	40 feet
Acer rubrum Gerling	Gerling red maple	30 feet	50 feet
Acer rubrum Scanlon	Scanlon red maple	35 feet	50 feet
Acer tataricum	Tatarian maple	25 feet	50 feet
Aesculus carnea Brioti	Ruby red horse-chestnut	30 feet	50 feet
Amelanchier canadensis	Downy shadblow	30 feet	50 feet
Amelanchier laevis	Allegheny service-berry	35 feet	50 feet
Cercis canadensis	Redbud	30 feet	40 feet
Cercis canadensis alba	White redbud	25 feet	40 feet

Cornus alternifolia

Pagoda dogwood

20 feet

40 feet

<b>Species</b>	<b>Common name</b>	<b>Maximum height</b>	<b>Minimum clearance</b>
<i>Cornus florida</i>	White flowering dogwood	25 feet	50 feet
<i>Cornus florida rubra</i>	Red flowering dogwood	25 feet	40 feet
<i>Cornus kousa chinensis</i>	Chinese dogwood	20 feet	40 feet
<i>Cornus mas</i>	Cornelian cherry	25 feet	40 feet
<i>Crataegus lavalleyi</i>	Lavalle hawthorn	25 feet	50 feet
<i>Crataegus phaenopyrum</i>	Washington hawthorn	25 feet	40 feet
<i>Crataegus monogyna compacta</i>	Globe hawthorn	20 feet	40 feet
<i>Fraxinus ornus</i>	Flowering ash	30 feet	50 feet
<i>Fraxinus velutina glabra</i>	Modesto ash	30 feet	50 feet
<i>Fraxinus quadrangulata globosa</i>	Globeheaded blue ash	35 feet	50 feet
<i>Halesia tetraptera</i>	Carolina silverbell	25 feet	50 feet
<i>Koelreuteria paniculata</i>	Goldenrain tree	25 feet	50 feet
<i>Magnolia fraseri</i>	Fraser magnolia	30 feet	50 feet
<i>Magnolia kobus</i>	Kobus magnolia	35 feet	50 feet
<i>Magnolia loebneri</i>	Loebner magnolia	35 feet	50 feet
<i>Magnolia salicifolia</i>	Anice magnolia	25 feet	50 feet
<i>Ostrya virginica</i>	American hophorn-beam	25 feet	40 feet
<i>Oxydendron arboretum</i>	Sourwood (acid soil)	30 feet	50 feet
<i>Paulownia tomentosum</i>	Empress tree	35 feet	50 feet
<i>Prunus avium plena</i>	Double flowered French mazzard cherry	30 feet	50 feet

Prunus serrulata Kwansam

Kwansan flower,  
cherry

25 feet

50 feet

<b>Species</b>	<b>Common name</b>	<b>Maximum height</b>	<b>Minimum clearance</b>
Prunus Sargentii	Sargent's cherry	35 feet	50 feet
Prunus serrulata Amanagawa	Amanagawa flower, cherry	20 feet	40 feet
Prunus serrulata Shirotae	Shirotae flower, cherry	25 feet	50 feet
Pyrus calleryana	Callery pear	25 feet	50 feet
Robinia pseudacacia X hispida	Idaho locust	25 feet	50 feet
Sapindus drummondii	Soapberry tree	35 feet	50 feet
Sophora japonica	Pagoda tree	25 feet	50 feet
Sorbus alnifolia	Korean mountainash	25 feet	50 feet
Stewartia pentagyna	Mountain Stewartia	15 feet	40 feet
Styrax japonica	Japanese snowbell	20 feet	40 feet
Tilia euchlora	Creimean linden	35 feet	50 feet
Tilia cordata	Littleleaf linden (for wide parkway)	35 feet	50 feet
Sorbus auchuparia	European mountain ash	30 feet	--
<i>b. Height class thirty-six (36) feet to fifty (50) feet.</i>			
Acer platanoides Roch	Improved columnar Norway maple	45 feet	60 feet
Celtis chinensis	Chinese hackberry	50 feet	60 feet
Cercidiphyllum japonicum	Katsura tree	50 feet	60 feet
Cladrastus lutea	Yellowwood	50 feet	60 feet
Gleditzia triacanthos	Moraine thornless honeylocust	50 feet	60 feet
Gleditzia triacanthos	Sunburst thornless honeylocust	50 feet	60 feet

Magnolia denudata

Yulan magnolia

45 feet

60 feet

<b>Species</b>	<b>Common name</b>	<b>Maximum height</b>	<b>Minimum clearance</b>
Phellodendron amurense	Amur corktree	45 feet	60 feet
Prunus sachalinensis	Sargent's flower cherry	40 feet	60 feet
Quercus prinus	Chestnut oak	50 feet	60 feet
Quercus rubra Shumardi	Texas red oak	45 feet	60 feet
Taxodium distichum	Bald cypress	50 feet	60 feet
Ulmus alatus	Wahoo elm	40 feet	50 feet
Ulmus carpinifolia Buisman	Buisman elm	40 feet	50 feet
Zelkova serrata	Zelkova	50 feet	60 feet
Fraxinus lanceolata Moraine	Moraine ash	40 feet	60 feet
<i>c. Height class over fifty (50) feet.</i>			
Acer rubrum	Red maple	60 feet	60 feet
Acer saccharum	Sugar maple	60 feet	60 feet
Fraxinus americana	White ash	70 feet	70 feet
Fraxinus quadrangulata	Blue ash	60 feet	60 feet
Ginkgo biloba	Ginkgo	60 feet	60 feet
Hicoria laciniosa	Shellbark hickory	80 feet	70 feet
Hicoria ovata	Shagbark hickory	120 feet	70 feet
Hicoria pecan	Pecan	120 feet	70 feet
Juglans cineria	Butternut	90 feet	70 feet
Juglans nigra	Black walnut	120 feet	70 feet
Liquidambar styraciflua	Sweet gum	80 feet	60 feet
Liriodendron tulipifera	Tuliptree	80 feet	60 feet
Magnolia acuminata	Cucumber tree	70 feet	60 feet

*Nyssa sylvatica*

Sour gum

60 feet

60 feet

Species	Common name	Maximum height	Minimum clearance
Quercusalba	White oak	80 feet	60 feet
Quercus bicolor	Swamp white oak	60 feet	60 feet
Quercus macrocarpa	Burr oak	80 feet	60 feet
Quercus palustris	Pin oak	75 feet	60 feet
Titia americana	American linden	60 feet	60 feet
Tilia petiolaris (50 feet spread)	Silver pendent linden	60 feet	60 feet
Ulmus americana (CC 1979 §30-26; Ord. No. A-2260 §§4, 10, 7-9-65)	American elm	80 feet	70 feet

**SECTION 235.160: ADDITIONAL PROVISIONS AS TO COMPUTATION OF MINIMUM CLEARANCES**

It shall be unlawful to plant, or cause to be planted, any street tree, without providing a minimum clearance between such tree and any other street tree on the same side of the street, computed as follows:

- .1. *Trees of same type.* The minimum clearance between the trunks of any two (2) street trees of the same type shall be that clearance provided in Section 235.150.
- .2. *Trees of different types.* The clearance between the trunks of any two (2) street trees of different types shall be determined by adding the minimum clearances shown for each type of street tree concerned, as shown Section 235.150 and dividing the sum thereof by two (2).
- .3. *Existing trees.* The minimum clearance from any existing street tree not shown in Section 235.150 shall be determined by the Street Commissioner, so that the existing street tree, at its maturity, will not come in conflict with or overlap the street tree to be planted, at its maturity. (CC 1979 §30-27; Ord. No. A-2260 §6, 7-9-65)

**SECTION 235.170: MINIMUM DISTANCES FROM IMPROVEMENTS**

It shall be unlawful for any person to plant, or cause to be planted, any street tree closer to any curb, alley, private drive, street light, traffic signal, sidewalk or street intersection than the following minimum distances:

Height class of tree	Minimum distance, measured from the nearest point, from:						
	Back of Curb*	R.O.W. alleys	Edges of private drives	Street lights	Traffic signals	Sidewalks	
15 feet to 35 feet	3 feet	15 feet	5 feet	30 feet	10 feet	5 feet	30 feet
36 feet to 50 feet	6 feet	10 feet	7 feet	30 feet	20 feet	7 feet	30 feet
Over 50 feet	10 feet	10 feet	10 feet	30 feet	30 feet	10 feet	30 feet

\*When any parkway is eight (8) feet or less in width, a street tree shall be placed equally distanced from the curbing and sidewalk. (CC 1979 §30-28; Ord. No. A-2260 §§5, 11, 7-9-65)



## CHAPTER 240: GARBAGE AND REFUSE

*Cross References—As to nuisances generally, see ch. 225; as to depositing ashes, rubbish, etc., in streets or other public places, see §215.260; as to littering generally, see §215.250; as to littering on park property, see §230.140; as to depositing trash, etc., in city water reservoirs, basins or mains, see §215.350.*

*Editor's Note—Ord. no. A-6410 adopted December 10, 1996, repealed ch. 240 and enacted the provisions set out herein. Former ch. 240 derived from cc 1979 §§13-1—13-14; ord. no. A-893 §1, 5-7-46; ord. no. A-1030 §§2, 4—5, 2-3-48; ord. no. A-1046 §1, 3-8-48; ord. no. A-2029 §§1—3, 8-9-63; ord. no. A-2690 §§1—10, 3-11-69; ord. no. A-2724 §1, 5-9-69; ord. no. A-2888 §1, 4-29-70; ord. no. A-3121 §1, 12-10-71; ord. no. A-3459 §1, 7-10-74; ord. no. A-4336 §§1—2, 2-10-82; ord. no. A-4909 §1, 10-26-87; ord. no. A-5123 §1, 6-9-89; ord. no. A-5132 §1, 7-20-89; ord. no. A-5910 §1, 4-8-94; ord. no. A-6178 §1, 8-22-95.*

### SECTION 240.010: DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**GARBAGE:** Every accumulation of animal or vegetable matter likely to decay or usually discarded as waste matter from kitchens, dining rooms, hotels, restaurants, boarding houses and dwelling institutions, businesses, stores, markets or other establishments; provided, that the term "garbage" shall not include the carcasses of dead animals or waste materials produced by the operation of packing plants, slaughterhouses, poultry processing plants, feed mills and like businesses, nor shall it include manure, night soil or chamber lye.

**REFUSE:** All cloth materials, tin cans, crockery or other materials light in weight and easily handled, or a combination of any two (2) or more of the foregoing types of material, including ashes and cinders, etc., but not including catch basin muck, concrete, concrete mortar, stones, bricks, scrap metal, other similar construction materials or materials resulting from the erection or destruction of buildings. Refuse shall not include major appliances, waste oil, lead-acid batteries or yard waste. (Ord. No. A-6410 §240.010, 12-10-96)

### SECTION 240.020: CONTAINERS—GENERALLY

- . The City shall provide every owner, occupant, tenant or lessee occupying, in possession of, or using any dwelling, residence, apartment, household or other establishment, the normal use of which produces garbage, a container suitable for the disposal of all garbage. All garbage shall be placed in said container for disposal. Such container shall be placed at curb side on the property on which the dwelling, residence, apartment, household or other establishment is located situated so that the City garbage truck may pick up said garbage container and dump same automatically.
- A. Said containers furnished by the City shall remain the property of the City. If said containers are removed from the premises or lost or stolen, the cost of the container will be added to the final utility bill and will be a debt of the customer to the City. (Ord. No. A-6410 §240.020, 12-10-96)

### SECTION 240.030: CONTAINERS—TAMPERING WITH, OVERTURNING, ETC.

It shall be unlawful for any person, except employees of the City acting on behalf of the City, to tamper with, overturn, remove or destroy said garbage container. (Ord. No. A-6410 §240.030, 12-10-96)

**SECTION 240.040: CONTAINERS—DEPOSITING MATERIALS OTHER THAN GARBAGE AND REFUSE**

It shall be unlawful for any person to deposit in a container from which garbage and refuse is to be removed by the City any material other than garbage and refuse. In case such materials are deposited, the City shall not be obligated to remove the contents of such container. (Ord. No. A-6410 §240.040, 12-10-96)

**SECTION 240.050: LIMITING THE USE OF REFUSE COLLECTION CONTAINERS**

- A. It shall be unlawful for any owner, occupant, tenant or lessee occupying, in possession of or using any dwelling, residence, apartment, household or other establishment, to knowingly allow any other person, firm, corporation or other entity to place any garbage or refuse in containers designed for disposal of garbage or refuse for the purpose of collection and removal by the City, provided said garbage or refuse is not generated at said dwelling, residence, apartment, household or other establishment.
- B. It shall be unlawful for any person, firm, corporation, or other entity to knowingly place any garbage or refuse in any containers designed for disposal of garbage or refuse for the purpose of collection and removal by the City, provided said garbage or refuse is not generated at said dwelling, residence, apartment, household or other establishment.
- C. Any person, firm, corporation or other entity who shall violate the terms of either Subsection shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) and/or not more than ten (10) days in the City Jail. (Ord. No. A-6429A §§1–3, 1-15-97)

**SECTION 240.060: CITY TO HAVE EXCLUSIVE RIGHT AND PRIVILEGE OF COLLECTION, ETC.—COLLECTION FREQUENCY**

The City hereby reserves to itself the exclusive right and privilege of the collection, removal and disposition of all garbage within the City limits. The City shall provide for the collection and removal by its employees of garbage from residential premises at least once per week. (Ord. No. A-6410 §240.050, 12-10-96)

**SECTION 240.070: UNAUTHORIZED COLLECTION, TRANSPORTATION, ETC.**

It shall be unlawful for any person, except employees of the City acting on behalf of the City, to collect or remove any garbage or to transport, haul or carry the same over the streets and alleys of the City. (Ord. No. A-6410 §240.060, 12-10-96)

**SECTION 240.080: COLLECTION CHARGES—GENERALLY**

- A. For the purpose of defraying the expense of the collection and removal of garbage and solid waste provided by this Chapter, there is hereby imposed upon each owner, occupant, tenant, lessee and any other person occupying or maintaining premises where a dwelling, residence, apartment, household or other establishment covered by this Chapter as described in Section 240.020 is maintained a charge of thirteen dollars (\$13.00) per month per cart for customers age sixty-five (65)

§ 240.080

Garbage and Refuse

§ 240.100

and older and a charge of fifteen dollars (\$15.00) per month per cart for customers under age sixty-five (65) for each separate dwelling, residence, apartment, household or other establishment for which garbage removal is provided. Customers currently receiving the reduced senior rates will automatically receive the new senior trash rate. The new rates will become effective May 1, 2005.

- B. There will be an additional charge of one dollar (\$1.00) for each bag of trash not in carts per month. Stickers for extra bags of trash can be purchased from the collections office at City Hall.
- C. The period for such charges for such garbage collection and removal shall be from the first (1st) to the last day of each month.
- D. Notwithstanding any other provision of this Chapter, no charge shall be made for any dwelling residence, apartment or household or other establishment remaining vacant or not occupied or used by any person for one (1) continuous billing period month, provided, that the person otherwise responsible for such charge gives notice in advance of such vacancy, non-occupancy or non-use.
- E. An additional charge of twenty dollars (\$20.00) will be made on the utility bill for each large appliance picked up such as washer, dryer, hot water tank, stove or any other item too large for the sanitation packer. (Ord. No. A-6410 §240.070, 12-10-96; Ord. No. A-7140 §§1-2, 3-26-02; Ord. No. 7545 §§1-2, 3-29-05; Ord. No. 7593 §1, 8-22-05; Ord. No. 7824 §1, 2-4-08)

**SECTION 240.090: COLLECTION CHARGES—BILLING AND COLLECTION—  
DELINQUENT PENALTY**

- A. It is hereby made the duty of the Billing Clerk to make the charge as established in Section 240.070 for garbage collection and removal upon each owner, occupant, tenant, lessee and other person occupying or maintaining premises where a dwelling, residence, apartment, household or other establishment covered by this Chapter is maintained by incorporating the same in the monthly charges for electrical service provided at the premises where such dwelling, residence, apartment, household or other establishment covered by this Chapter is maintained. Such charge shall be included in advance in the monthly statement for such electrical service, and such charge for garbage collection and removal shall be payable and paid in the same manner as payment is made of charges for such electrical service.
- B. If any owner, occupant, tenant, lessee or other person maintains a dwelling, residence, apartment, household or other establishment covered by this Chapter, which does not have electrical service, the Billing Clerk shall make a separate charge for such garbage collection and removal and shall collect the same as provided in this Section.
- C. If any charge for garbage service shall remain due and unpaid ten (10) days after notice thereof is mailed to the person by whom the same is to be paid, an additional charge of five percent (5%) of such garbage service charge shall be added to the bill. (Ord. No. A-6410 §240.080, 12-10-96; Ord. No. 7593 §1, 8-22-05)

**SECTION 240.100: DEPOSITING ON PUBLIC OR PRIVATE PROPERTY OR IN BODIES  
OF WATER, OTHER THAN IN COMPLIANCE WITH CHAPTER**

It shall be unlawful for any person to deposit upon the streets, alleys or parking lots, in any stream or body of water, including Kelly Creek, or on any private property any garbage, unless placed in a container as prescribed by this Chapter and in a place prescribed by this Chapter. (Ord. No. A-6410 §240.090, 12-10-96)

**SECTION 240.110: ALLOWING ACCUMULATION SO AS TO CAUSE OFFENSIVE ODOR OR CONDITION DANGEROUS TO HEALTH OR SAFETY**

It shall be unlawful for any owner, occupant or other person maintaining any dwelling, residence, apartment, household or other establishment in the City to allow garbage to accumulate thereon or to permit any putrid substance to accumulate so as to cause an offensive odor to be emitted therefrom or to cause a condition dangerous to the health or safety of any person. (Ord. No. A-6410 §240.100, 12-10-96)

**SECTION 240.120: BURNING TRASH, ETC., IN FIRE LIMITS**

It shall be a misdemeanor for any person to burn trash, rubbish and waste materials of any kind within the fire limits prescribed by the City. (Ord. No. A-6410 §240.110, 12-10-96)

**SECTION 240.130: BURNING TRASH ANYWHERE IN CITY BETWEEN HOURS OF 10:00 A.M. AND 6:00 P.M. DURING CERTAIN MONTHS**

- A. *Prohibited.* It shall be unlawful for any person to burn or cause to burn any trash of any kind within the corporate limits of the City of Monett at any time other than between the hours of 6:00 and 10:00 A.M. during the months of May, June, July, August and September.
- B. *"Trash" Defined.* For the purposes of this Section, the term "trash" is defined as all paper, rags, sawdust, waste materials, tree trimmings, grass, garbage, cans, bottles, boxes, wood shavings, animal or vegetable remains or trimmings and all other like or similar materials or substances.
- C. *Effect Of Section On Provisions Prohibiting Burning In Fire Limits.* Nothing in this Section shall alter or amend Section 240.120 or any other provisions of this Code or other ordinance of the City regulating or prohibiting burning of trash or other combustible materials in the fire limits or fire zone of the City. (Ord. No. A-6410 §240.120, 12-10-96)

**SECTION 240.140: MANURE—THROWING OR DEPOSITING ON PUBLIC OR PRIVATE PROPERTY—TRANSPORTATION**

No manure shall be thrown upon or deposited in any alley, street or other public way or on any vacant lot; provided, that the scattering of manure on lawns or gardens for fertilization shall be permitted, if done in such a manner that it will not become offensive to the surrounding neighborhood. No manure shall be transported over the public streets or alleys in such a manner as to permit any portion of it to drop out, and no vehicle hauling manure shall be permitted to stand on any street, except for the purpose of loading or unloading. (Ord. No. A-6410 §240.130, 12-10-96)

**SECTION 240.150: MANURE—REMOVAL BY PERSONS DRIVING HORSES ON STREETS, ALLEYS OR PUBLIC WAYS**

No person who shall drive any horse upon the streets, alleys or other public way in the City shall leave any manure deposited by such horse on such street, alley or public way, but shall remove same. (Ord. No. A-6410 §240.140, 12-10-96)

§ 240.160

Garbage and Refuse

§ 240.160

**SECTION 240.160: FEE SCHEDULE FOR THE DISTRIBUTION OF MULCH AND COMPOST**

- A. Citizens of Monett shall be charged ten dollars (\$10.00) for one (1) front loader scoop of either mulch or compost.
- B. Non-citizens of Monett shall be charged twenty dollars (\$20.00) for one (1) front loader scoop of either mulch or compost. (Ord. No. A-7039 §1, 5-21-01; Ord. No. 7551, 4-27-05)



## **CHAPTER 245: HEALTH**

*Cross References—As to inclusion of health department and sanitation department in department of public safety, see §120.140 of this code; as to food and food establishments generally, see ch. 260; as to nuisances generally, see ch. 225;*

### **ARTICLE I. CITY PHYSICIAN**

#### **SECTION 245.010: APPOINTMENT—QUALIFICATIONS**

The Council may appoint some suitable, qualified and competent person to serve as City Physician. No person shall be appointed to the office of City Physician, unless he/she shall, at the time of his/her appointment, be a registered voter and a duly licensed physician and have been a resident of the City at least one (1) year next preceding his/her appointment. (CC 1979 §14-1)

#### **SECTION 245.020: POWERS AND DUTIES GENERALLY**

It shall be the duty of the City Physician to maintain general supervision over the public health of the City and to see that the regulations, laws and ordinances in relation thereto are enforced. In pursuance thereof, he/she is hereby authorized and empowered to make such lawful rules and regulations, subject to the approval of the Council, as will tend to preserve and promote the health of the City. The City Physician is hereby authorized and empowered to enter into and examine all houses, buildings, lots and places of every description within the City, to ascertain the condition thereof, for the purpose of promoting and protecting the public health. It shall be the duty of the City Physician to report to the Mayor all nuisances which are or may become dangerous to public health or safety and to take proper steps to have the same abated in accordance with State law, this Code or other ordinances of the City. He/she shall make complaint before the Municipal Judge against all persons who fail, refuse or neglect to comply with any provision of this Code or other ordinance of the City in relation to any sanitary measures which the Council may adopt. It shall be the duty of the City Physician to wait on and treat indigent persons in the City requiring his/her care, and he/she shall wait upon and care for any prisoner confined in the City Jail and needing the care of a physician, when called by the Chief of Police or any Police Officer, or by the Mayor. (CC 1979 §14-2)

#### **SECTION 245.030: CITY COUNCIL TO PROVIDE MEDICINES AND SUPPLIES**

The City Council shall provide all medicines or other supplies which shall be required by the City Physician in the performance of his/her duties. (CC 1979 §14-3)

#### **SECTION 245.040: SERVICE AS CITY HEALTH OFFICER—GENERALLY**

The City Physician shall be ex officio City Health Officer; provided, that he/she shall serve in such capacity at no increase in or additional salary. (CC 1979 §14-4; Ord. No. A-1337 §1, 8-4-53)

**SECTION 245.050: INSPECTIONS OF FOOD ESTABLISHMENTS—INSPECTION FEE**

- A. The City Physician, in his/her capacity as the City Health Officer, shall make periodic inspections of all businesses and establishments in the City in which food products of any kind or type are offered for sale, at wholesale or retail, or are processed or handled in any manner or prepared for sale or consumption, and he/she shall make a report thereof upon request.
- B. For making such an inspection upon the request of any person, other than the City Council, the City Physician may charge such person a reasonable fee, not to exceed fifty dollars (\$50.00). (CC 1979 §14-5; Ord. No. A-1337 §§2, 3, 8-4-53)

*Cross Reference—As to additional provisions relative to inspections of food service establishments, see §§260.220–260.250 of this code.*

**SECTION 245.060: ADDITIONAL DUTIES**

The City Physician shall perform such other duties as shall be required of him/her by ordinance or law. (CC 1979 §14-6)

**ARTICLE II. INFECTIOUS OR CONTAGIOUS**

**DISEASES**

**SECTION 245.070: DEFINITIONS**

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**CARRIER:** A person who, without clinical symptoms of a reportable disease, harbors and disseminates the infectious agent or organism.

**CLEANING:** The removal, by scrubbing and washing as with hot water, soap and washing soda, of organic matter on which and in which bacteria may find favorable conditions for prolonging life and virulence; or the removal by the same means of bacteria adherent to surfaces.

**CONTACT:** A person or animal known to have been sufficiently near to an infected person or animal to have been exposed to infectious matter directly.

**CULTURE:** A growth of microorganisms in or upon artificial media, such culture being obtained from body surfaces, secretions or excretions, for the purpose of detecting the presence of disease-producing organisms.

**DELOUSING:** A process by which a person and his/her personal apparel are treated, so that neither the adults nor the eggs of pediculus corporis or pediculus capitis survive.

*DISINFECTION:* The destruction of the vitality of pathogenic microorganisms by chemical or physical means.

*EPIDEMIC:* The occurrence of a disease in a community in excess of its usual prevalence.

*INCUBATION PERIOD:* The interval which elapses between the entrance into the body of a disease producing organism and the manifestation of the first symptoms of the disease.

*ISOLATION:* The separating of persons suffering from communicable diseases and of carriers of communicable diseases from other persons, in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent to other persons.

*QUARANTINE:* The limitation of the movement of persons who are known or reasonably expected to have or to be carriers of or to have been exposed to a given infectious, contagious or communicable disease.

*PERIOD OF COMMUNICABILITY:* That period during which the host of a disease is capable of imparting, either directly or indirectly, such disease to another person.

*RENOVATION:* Such treatment, in addition to cleaning, of walls, floors and ceilings of rooms or houses, as may be necessary to place the premises in a satisfactory sanitary condition.

*SUSCEPTIBLE:* A person not known to have become immune to the particular infectious, contagious or communicable disease in question, either by natural or artificial means.

*SUSPECT:* A person in which the diagnosis of an infectious, communicable or contagious disease is in question. (CC 1979 §14-7)

#### **SECTION 245.080: ENUMERATED**

The following diseases are hereby declared, for the purposes of this Article, to be infectious, contagious, communicable or otherwise dangerous in their nature to public health. Their existence shall be reported to the City Physician, and they shall be controlled in the manner provided in this Article:

- .1. *Diseases communicable and dangerous to public health.* Actinomycosis, acute infectious conjunctivitis, ancylostomiasis, anthrax, chicken pox, cholera, dengue, diphtheria, dysentery (amoebic), dysentery (bacillary), encephalitis lethargic, favus, German measles, glanders, influenza (epidemic), leprosy, malaria, Malta fever, measles, meningococcus meningitis, mumps, paratyphoid fever, plague, pneumonia, poliomyelitis (acute anterior), puerperal infection, rabies, Rocky Mountain spotted fever (tick fever), scarlet fever, septic sore throat, smallpox, tetanus, trachoma, trichinosis, tuberculosis, tularemia, typhoid fever, typhus fever, whooping cough, yellow fever, chancroid, gonorrhea and syphilis.
- .2. *Diseases or illnesses dangerous to public health.* Aniline poisoning, arsenic poisoning, benzene or benzol poisoning, beriberi, bisulfide of carbon poisoning, botulism, brass poisoning, compressed air illness, dinitrobenzene poisoning, carbon monoxide poisoning, lead poisoning, naphtha poisoning, natural gas poisoning, phosphorous poisoning, pellagra, scurvy, turpentine poisoning, tetraethyl lead poisoning and wood alcohol poisoning. (CC 1979 §14-8)

#### **SECTION 245.090: REPORTS TO CITY PHYSICIAN—CERTAIN PERSONS REQUIRED TO MAKE**

The following persons and classes of persons shall report to the City Physician the existence of any infectious, contagious or communicable disease dangerous to public health:

- .1. Any physician or other person licensed to practice in the healing arts, who knows or has reason to believe that any person within the limits of the City and under his/her care is infected with or has an infectious, contagious or communicable disease dangerous to public health.
- .2. Any superintendent or other person in charge of a hospital, sanitarium, dispensary, school or other institution, industry or establishment, or any nurse, midwife, teacher, dairy manager, householder, proprietor or keeper of a hospital, boarding house, restaurant, lodging house or hotel, or any other person either attending or knowing or suspecting the existence of an infectious, contagious or communicable disease, where no physician or other person permitted or licensed to practice the healing arts is in attendance.
- .3. Any embalmer or undertaker called to embalm the body of a person within the City whose death certificate certifies that the primary or contributing cause of death was an infectious, contagious or communicable disease. (CC 1979 §14-9)

**SECTION 245.100: CONTENTS OF REPORTS—TIME OF MAKING**

For the purposes of this Article, a disease shall be considered to have been reported when the name of the person, his/her address, age and sex, together with the name of the disease existing or suspected and the date of onset if known shall be reported to the City Physician. All reports shall be submitted within six (6) hours after the existence of such disease shall become known and shall state whether the diagnosis is final or provisional. (CC 1979 §14-10)

**SECTION 245.110: DUTIES OF CITY PHYSICIAN UPON RECEIPT OF REPORTS—COMPLIANCE WITH CITY PHYSICIAN'S ORDERS**

The City Physician shall, upon discovering or receiving report of any infectious, communicable or contagious disease enumerated in this Article, immediately order such isolation of the person so infected with such disease, and shall establish such other procedures, as are necessary, in relation to sterilization of discharges, secretions or excretions, to protect public health. All persons shall, upon being so instructed, comply with the orders of the City Physician. (CC 1979 §14-11)

**SECTION 245.120: PHYSICIANS TO CHANGE CLOTHING OR DISINFECT AFTER TREATING**

No physician treating any infectious, malignant or contagious disease shall visit a patient afflicted with any other disease or ailment or go upon the street or into any public place except in going to such case and returning to his/her office or boarding place from such case until he/she shall have first changed his/her clothing or have disinfected himself/herself so that there shall be no danger of his/her communicating such disease to others. (CC 1979 §14-12; Ord. No. 767 §2, 12-2-24)

**SECTION 245.130: EXCLUSION FROM SCHOOL OF TEACHERS, PUPILS, ETC., CARRYING OR INFECTED WITH CERTAIN DISEASES—GENERALLY**

No teacher, pupil or employee shall be permitted to attend any public, private, parochial or Sunday school, when infected or suspected of being infected with any of the diseases enumerated in this Article, or who is a carrier or is suspected of being a carrier of any of the contagious, infectious or

communicable diseases enumerated in this Article, or who is suffering from impetigo, contagiosa, pediculosis, ringworm, scabies or any suppurative disease of a foul or offensive nature.  
(CC 1979 §14-13)

**SECTION 245.140: EXCLUSION FROM SCHOOL OF TEACHERS PUPILS, ETC.,—DUTY OF PERSON IN CHARGE OF SCHOOL—READMISSION**

Unless otherwise excluded, it shall be the duty of the teacher, principal or superintendent, or board of directors in charge or control of such school to exclude such teacher, pupil or employee, as covered by Section 245.130 and prohibit his/her return thereto, until a certificate is presented from the City Physician or other physician, stating that such teacher, pupil or employee is free from such disease and incapable of transmitting the same. No certificate for readmission shall be issued while such person is suffering from the disease in a communicable stage or while such person is in the carrier stage of such disease, under isolation or quarantine or suspected of being in the incubation period of such disease. (CC 1979 §14-14)

**SECTION 245.150: EXCLUSION FROM SCHOOL OF TEACHERS, PUPILS, ETC., RESIDING IN PLACES WHERE CERTAIN DISEASES EXIST**

No teacher, pupil or employee shall be permitted to attend any school while residing in a home or other place where there exist any of the following diseases in a communicable stage: Cholera, diphtheria, measles, meningococcus meningitis, plague, poliomyelitis, scarlet fever, smallpox, chicken pox, typhus fever, whooping cough or yellow fever. Such teacher, pupil or employee shall be excluded from attending any school, and his/her return thereto prohibited, until a certificate from the City Physician or other physician is presented, stating that the person is incapable of transmitting such infection. No certificate for readmission shall be issued while the teacher, pupil or employee resides in a home or other premises where any of the diseases named in this Section exist in the communicable state, or until such teacher, pupil or employee has, after the last exposure, passed the incubation period for such disease or otherwise proven to be immune and incapable of transmitting such disease. (CC 1979 §14-15)

**SECTION 245.160: CARRIERS GENERALLY**

Known carriers of any infectious, contagious, communicable or other disease dangerous to public health, unless otherwise specified, shall, for the purposes of this Article, be considered and controlled in the same manner as sufferers from the same disease. The City Physician may take such steps as are necessary to locate suspected carriers and shall institute such measures as are necessary either to rid the person of the carrier stage of his/her infection or prevent its transference to others. (CC 1979 §14-16)

**SECTION 245.170: PERSONS EXPOSED TO BE PLACED UNDER QUARANTINE RESTRICTIONS AND OTHER REGULATIONS—DURATION OF RESTRICTIONS AND REGULATIONS**

Persons who have been exposed to any infectious, contagious or communicable disease shall be placed under the quarantine restrictions and other regulations prescribed by this Article, and they shall so remain until such time as they shall have passed the incubation period of the disease to

which they were exposed or until it has otherwise been determined that they are incapable of transmitting such disease. (CC 1979 §14-17)

#### **SECTION 245.180: DOUBTFUL CASES TO BE PLACED IN ISOLATION**

All doubtful cases of any infectious, contagious, communicable or other dangerous disease shall be placed in isolation by the City Physician, pending diagnosis. (CC 1979 §14-18)

#### **SECTION 245.190: DEAD BODIES—CLASSIFICATION**

For the purposes of this Article, the following classification is made of bodies dead from any of the diseases listed in this Section:

- .1. *Group I.* Anthrax, cholera (Asiatic), glanders, foot and mouth disease, plague, Rocky Mountain spotted fever (tick fever), smallpox, typhus fever and yellow fever.
- .2. *Group II.* Cerebro-spinal meningitis, diphtheria, encephalitis lethargic (epidemic), erysipelas, influenza, measles, poliomyelitis (acute anterior), scarlet fever, septic sore throat, tularemia and whooping cough.
- .3. *Group III.* Actinomycosis, dysentery (amoebic), dysentery (bacillary), leprosy, Malta fever, paratyphoid fever, rabies, tuberculosis and typhoid fever.
- .4. *Group IV.* Acute infectious conjunctivitis, chicken pox, dengue, German measles, mumps, pneumonia, tetanus, trachoma, trichinosis, chancroid, gonorrhea and syphilis.  
(CC 1979 §14-19)

*Cross Reference—As to cemeteries generally, see ch. 145 of this code.*

#### **SECTION 245.200: DEAD BODIES—TRANSPORTATION OF GROUP I BODIES INTO CITY—TIME LIMIT FOR BURIAL OF GROUP I BODIES**

The transportation into the City of bodies dead from any of the diseases listed in group I in Section 245.190 is prohibited, except by special permission of the State Board of Health. Bodies of persons dying within the City from any of the diseases listed in group I shall be buried within twenty-four (24) hours after death, unless special authority to the contrary is obtained from the State Board of Health or from the City Physician. (CC 1979 §14-20)

#### **SECTION 245.210: DEAD BODIES—PREPARATION FOR BURIAL**

The preparation of the body of a person dying within the City from any of the diseases listed in groups I and II in Section 245.190 shall be conducted in the room or house where the death occurred. The body of any person dying within the City from any of the diseases listed in groups I,

II, III or IV in Section 245.190 must not be accompanied by clothing or articles that have been exposed to the infectious material of any such disease. (CC 1979 §14-21)

**SECTION 245.220: DEAD BODIES—PREPARATION FOR SHIPMENT**

The embalming or other procedure in preparing for shipment of the body of any person who has died in the City from any of the diseases listed in Section 245.190 shall be conducted in the manner prescribed by the State Board of Health. (CC 1979 §14-22)

**SECTION 245.230: DEAD BODIES—FUNERALS FOR GROUP I AND II BODIES**

The body of a person who has died from any of the diseases listed in groups I and II of Section 245.190 shall in no instance be taken into any church, chapel, public hall or public building for the holding of funerals. The attendants at such funerals shall be limited to the undertaker, clergy and other persons necessary for the conduct of such funeral and adult persons who have resided in the premises wherein the person died. (CC 1979 §14-23)

**SECTION 245.240: DEJECTA AND EXCRETA**

Dejecta and excreta from persons infected with any infectious, contagious, communicable or other dangerous disease shall be protected in such manner as to prevent the contamination of the hands of attendants and articles of food and clothing and so as to prevent access to such dejecta and excreta by flies and animals. It shall not be thrown into any public or private sewer, privy, vault or septic tank, unless it shall have been sterilized by thermal or chemical methods. (CC 1979 §14-24)

**SECTION 245.250: LIMITATIONS ON SERVICE OF CUSTOMERS SUFFERING FROM CERTAIN DISEASES BY BARBERS, CHIROPODIST OR BEAUTICIANS**

No barber, chiropodist or beautician shall serve any customer suffering from diseases of the nails, scalp or hair, unless such customer is provided with utensils for the exclusive use of himself/herself, nor shall such person serve any customer known or suspected of being afflicted with any other disease in a communicable stage. (CC 1979 §14-25)

**SECTION 245.260: CIRCULATION OF LIBRARY BOOKS—DESTRUCTION, ETC., OF CONTAMINATED BOOKS**

No books of any public, private or parochial school, or of any public or circulating library, shall be lent to persons residing in premises wherein there exists a communicable disease or to any person who shall be infected with any contagious, infectious or communicable disease. If any such disease shall occur on the premises wherein such books have been lent, the books, if of little value, shall be burned. Books of greater value shall be withdrawn from circulation for a period of thirty (30) days and exposed to direct sunlight for at least twenty-four (24) hours in such manner as to give maximum exposure to all surfaces or, preferably, exposed for six (6) hours to formaldehyde fumes in a suitable chamber. (CC 1979 §14-26)

**SECTION 245.270: LAUNDERING OF CONTAMINATED ARTICLES**

No article of clothing, bed linen, dressing or similar article coming in contact with a person having any infectious, contagious or communicable disease shall be laundered by persons doing laundry for

the public, unless the same shall have been first rendered non-infectious by thermal or chemical methods. (CC 1979 §14-27)

**SECTION 245.280: SILVER NITRATE SOLUTION—TO BE DROPPED IN BABIES' EYES AT BIRTH**

Persons in attendance at the birth of a child shall, immediately after birth, drop a one percent (1%) solution of silver nitrate into each eye of the child. (CC 1979 §14-28)

**SECTION 245.290: TOWELS IN WASHROOMS**

No person in charge or in control of any washroom in any hotel, lodging house, restaurant, factory, barber shop, store, office building, school or other public establishment or institution shall provide in such washroom a towel to be used by more than one (1) person without laundering. (CC 1979 §14-29)

**SECTION 245.300: SALE OR DISTRIBUTION OF MILK RESTRICTED**

The sale or distribution of milk or other dairy products is prohibited in the following cases:

- .1. From premises upon which there exists anterior poliomyelitis, diarrhea and enteritis, diphtheria, dysentery in any form, scarlet fever, meningococcus meningitis, smallpox or other disease dangerous to public health, or if any person who assists in or about any such premises shall be infected with or shall have been exposed to any such disease.
- .2. From animals having abscessed or running sores, actinomycosis, anthrax, foot and mouth disease, garget, tuberculosis or other contagious disease, and from animals within fifteen (15) days before or ten (10) days after parturition. (CC 1979 §14-30)

**SECTION 245.310: REMOVAL OF MILK BOTTLES FROM PREMISES WHERE CERTAIN DISEASES EXIST**

No person shall remove a milk bottle from premises wherein there exists any of the following diseases, until after the termination of such disease and after the bottle has properly been sterilized: Anterior poliomyelitis, cholera, dysentery (amoebic or bacillary) diphtheria, Malta fever, plague, scarlet fever, septic sore throat, smallpox, typhus fever, typhoid fever, paratyphoid fever or yellow fever; provided, that if the person delivering milk to such premises shall empty the same into containers furnished at such premises, he/she may remove such bottles. Every holder of a house wherein any disease named in this Section exists shall notify the person delivering the milk of the existence of such disease. (CC 1979 §14-31)

**SECTION 245.320: AUTHORITY OF MAYOR TO PROCLAIM EXISTENCE OR**

**LIKELIHOOD OF EPIDEMIC—POWERS OF CITY PHYSICIAN  
PURSUANT TO MAYOR'S PROCLAMATION**

Whenever it shall come to the knowledge of the Mayor that any infectious, contagious or communicable disease has reached epidemic stage in the City or is likely to become an epidemic,

he/she may make proclamation of such fact. After such proclamation, the City Physician, with the approval of the Mayor, shall have power to order closed all schools and other places of public assemblage for such time as he/she may deem it necessary, and all school officers and other persons responsible shall comply with such orders. In case the necessity for such order is questioned, the State Board of Health may be appealed to for confirmation or revocation of the order. The City Physician shall have such power until the Mayor shall proclaim that the epidemic or disease in view of which the proclamation was made is no longer imminent or prevalent, whereupon such power of the City Physician shall cease. (CC 1979 §14-32)

**SECTION 245.330: ISOLATION OF INFECTED PERSONS—GENERALLY**

Every person having or suspected of having any infectious, contagious or communicable disease shall remain on the premises to which he/she has been confined until the restrictions have been terminated by the City Physician, unless otherwise directed by the City Physician. (CC 1979 §14-33)

**SECTION 245.340: AUTHORITY OF CITY PHYSICIAN TO ORDER REMOVAL OF ISOLATED PERSON TO MORE SUITABLE PLACE**

If, in the opinion of the City Physician, in order to protect the public health, suitable isolation cannot be provided at the place where any person is confined under the provisions of this Article, the City Physician may order removal of such person to a more suitable place for isolation. (CC 1979 §14-34)

**SECTION 245.350: PERMISSION TO MOVE INFECTED PERSON FROM PREMISES OR TO LEAVE CITY**

No person having or suspected of having any infectious, contagious or communicable disease, who is confined to any premises under the provisions of this Article, shall travel or move from such premises, except upon written permission of the City Physician. When the travel of such person shall include leaving the City, the permission of the Health Officer having jurisdiction over the proposed destination shall also be obtained and recorded with the City Physician. (CC 1979 §14-35)

**SECTION 245.360: DIAGNOSIS OF DISEASES BY CITY PHYSICIAN—ACCEPTANCE AND VERIFICATION OF DIAGNOSIS MADE BY OTHER PHYSICIANS**

The City Physician may accept any diagnosis of diseases occurring in the City made by any physician, but if such diagnosis shall be questioned, he/she may, at his/her discretion, verify the same. The diagnosis of diseases reported from other sources must be verified by the City Physician before control measures shall be instituted. (CC 1979 §14-36)

**SECTION 245.370: DIAGNOSIS OF DISEASES BY CITY PHYSICIAN—FINALITY—PROVISIONAL DIAGNOSIS**

The diagnosis of the City Physician, unless otherwise specified in the report, shall be accepted as a final diagnosis and can be changed only by the City Physician; provided, that a suspected case may be reported with provisional diagnosis, and that such diagnosis may be changed by the physician in

§ 245.370  
§ 245.420

Monett City Code

attendance, after notice to the City Physician. Provisional diagnosis shall be changed to final diagnosis within forty-eight (48) hours after being reported. If no further report is received within such period, the provisional diagnosis shall be considered as final. (CC 1979 §14-37)

**SECTION 245.380: CITY PHYSICIAN TO INSTITUTE CONTROL MEASURES REQUIRED BY ARTICLE—PLACARDING OF PREMISES**

Whenever the City Physician shall be informed of, or has knowledge or suspects the existence of, any infectious, contagious or communicable disease, he/she shall immediately institute the measures of control provided in this Article for such disease. He/she shall cause a proper placard to be posted on the premises wherein there exists a disease required by this Article to be placarded. Such placard shall be written by the City Physician, shall give warning to all persons about to enter any premises where a disease of an infectious, contagious or communicable nature exists that such is the case, shall cite this Section as authority for such quarantine and shall state what disease exists in such premises. Such placards shall be not less than five (5) inches by eight (8) inches, shall be white in color with red ink print and shall be printed at the expense of the City and delivered to the City Physician. Such sign shall be placed in a conspicuous position on such premises and shall so remain until the disease therein existing shall have abated and all persons residing therein are recovered and incapable of further transference of such disease. (CC 1979 §14-38)

**SECTION 245.390: REMOVING, DESTROYING, ETC., QUARANTINE FLAGS, EMBLEMS OR PLACARDS**

It shall be unlawful for any person to remove, take down, destroy or interfere with any quarantine flag, emblem or placard put up within the City pursuant to this Article. (CC 1979 §14-39; Ord. No. 279 §1, 1-24-18)

**SECTION 245.400: DISINFECTION OF CONTAMINATED PREMISES AFTER RECOVERY OF OCCUPANTS**

The City Physician shall make such orders as shall be reasonably necessary for the disinfection of any premises after all persons therein have recovered from any contagious, infectious or communicable disease and are incapable of transmitting the same. (CC 1979 §14-40)

**SECTION 245.410: UNAUTHORIZED ENTRY OF OR REMOVAL OF ARTICLES FROM QUARANTINE AREA**

No person, except the City Physician or his/her authorized representatives, physicians, nurses, clergy or police, shall enter any quarantine area or remove any article therefrom, without first obtaining permission from the City Physician. (CC 1979 §14-41)

**SECTION 245.420: CITY PHYSICIAN TO PROVIDE MEDICAL CARE AND NECESSITIES TO CONFINED PERSONS**

When any person is confined under the provisions of this Article and is unable to obtain medical care or actual necessities, it shall be the duty of the City Physician to provide such medical care and necessities. (CC 1979 §14-42)

**MANAGEMENT/CIVIL DEFENSE**

**CHAPTER 250:**

**EMERGENCY**

*Editor's Note—Ord. no. 7997, adopted September 20, 2010, repealed ch. 250 "emergency management" and enacted new provisions set out herein. Former ch. 250 derived from CC 1979 §§7-1-7-9; Ord. No. A-3343 §§1-9, 8-16-73.*

**ARTICLE I. IN GENERAL**

**SECTION 250.010: DEFINITION(S)**

As used in this Chapter, the following term shall have the prescribed meaning:

**DISASTER:** An occurrence such as a tornado, storm, flood, high water, wind-driven water, earthquake, drought, blizzard, ice storm, pestilence, famine, explosion, building collapse, vehicle wreck, act of terrorism, enemy attack, sabotage or any other natural or manmade situation that causes human suffering or creates human needs that the victims cannot alleviate without assistance and that requires an extraordinary commitment of governmental resources. This definition should not be applied rigidly to exclude situations not enumerated. (Ord. No. 7997, 9-20-10)

**SECTION 250.020: DUTIES AND POWERS OF THE MAYOR**

Duties, powers and responsibilities of the Mayor.

- .1. The Mayor may declare an emergency whenever a disaster is imminent or actually occurs within the City and the safety and welfare of the inhabitants is jeopardized.
- .2. The Mayor shall as soon as possible report to the emergency operations center and assume control over the City's emergency response.
- .3. Upon declaration of an emergency, the Mayor shall have all powers granted to the executive officer of the City by Chapter 44, RSMo., and shall take steps necessary to ensure the health, safety and welfare of all persons within the City limits. (Ord. No. 7997, 9-20-10)

**SECTION 250.030: LINE OF SUCCESSION IN ABSENCE OF THE MAYOR**

If the Mayor is absent or disabled, the person designated to be the acting Mayor of the City shall assume the duties of the Mayor. (Ord. No. 7997, 9-20-10)

**SECTION 250.040: EMERGENCY REGULATIONS**

- A. If an emergency or disaster occurs which requires the extraordinary management of City resources, the Mayor is authorized to declare an emergency and establish temporary emergency regulations to ensure the health, safety and welfare of the persons within the City.

A.1. Regulations established by the Mayor pursuant to this Section shall contain a statement of the facts constituting the emergency and shall be narrowly drawn to address the stated emergency.

- A.2. Immediately after establishing regulations pursuant to this Section, the Mayor shall cause a copy of the regulations to be posted at City Hall and shall cause copies of the regulations to be delivered to all City Council and the local news media.
- A.3. Regulations established by the Mayor pursuant to this Section shall remain in effect for twenty-one (21) days unless sooner revoked by the Mayor or by motion of the City Council. The Mayor shall not re-establish regulations pursuant to this Section after they have expired or been revoked unless a change in circumstances creates a new emergency or disaster.
- A.4. At the next regular City Council meeting after establishing emergency regulations or at a special Council meeting held before the next regular Council meeting, the Mayor shall give a complete report on the emergency to the City Council. If the Mayor determines that the emergency regulations should remain in effect, a bill shall be prepared and presented to the City Council which would establish the regulations by ordinance.
- B. Regulations established under this Section shall have the force of law. A person who violates the regulations established under this Section after receiving notice of the regulations shall be guilty of an offense punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed three (3) months, or by both such fine and imprisonment. All other persons violating a regulation established under this Section shall be guilty of an infraction punishable by a fine not to exceed two hundred dollars (\$200.00). (Ord. No. 7997, 9-20-10)

**SECTION 250.050: EMERGENCY WATER REGULATIONS**

- A. The Mayor is authorized to declare a water use emergency under any of the following conditions:
  - A.1. An equipment failure, large fire or water main break has caused or, unless emergency water conservation measures are taken, will cause inadequate water pressures and flows for fire protection.
  - A.2. Water system pumping is reasonably estimated to reach the six million (6,000,000) gallons per day level.
- B. After declaring a water use emergency, the Mayor shall establish temporary emergency regulations. The procedures and penalties of "Emergency Regulations" Section 250.040 (B) shall apply to these regulations. (Ord. No. 7997, 9-20-10)

**ARTICLE II. EMERGENCY MANAGEMENT**

**SECTION 250.060: ESTABLISHED—DUTIES AND RESPONSIBILITIES**

- A. In accordance with Chapter 44, RSMo., there is hereby created an administrative division of the City to be known as the office of emergency management. This office shall be responsible for the City's emergency management operations.

- B. The office of emergency management shall perform emergency management functions in cooperation with Barry County, Lawrence County and the State of Missouri in accordance with Chapter 44, RSMo. (Ord. No. 7997, 9-20-10)

**SECTION 250.070: OFFICE AND HEADQUARTERS**

The Mayor shall designate space for emergency operations in any building owned or leased by the City. (Ord. No. 7997, 9-20-10)

**SECTION 250.080: DIRECTOR—DESIGNATION AND DUTIES**

The office of emergency management shall be headed by the emergency management director.

- .1. The director shall be appointed and subject to the removal by the Mayor with the approval of the City Council.
- .2. The director shall have direct responsibility for the organization, administration and operations of local emergency operations planning subject to the direction and control of the City Council.
- .3. The director shall be responsible for maintaining records on use and disposal of all items placed under the jurisdiction of the office of emergency management.
- .4. The director is authorized to submit all materials and sign all documents requested by the State Emergency Management Agency to qualify the City for participation in Federal contributions.
- .5. The director shall be responsible for all training required by Chapter 44, RSMo.
- .6. The director shall coordinate all emergency management activities.
- .7. Participate in the Local Emergency Preparedness Committee (LEPC).
- .8. Ensure proper functioning of the emergency operations center during emergency operations.
- .9. Act as a liaison with other local, State and Federal agencies. (Ord. No. 7997, 9-20-10)

**SECTION 250.090: POWERS OF THE MAYOR AND EMERGENCY MANAGEMENT DIRECTOR**

The Mayor and the emergency management director, in accordance with Chapter 44, RSMo., may:

- .1. Approve expenditures up to a maximum of twenty-five thousand dollars (\$25,000.00) to: authorize 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 an enemy attack; provide for 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 and remove rescue teams and other emergency operations teams, units or personnel.

- .3. Assign emergency missions to non-governmental groups such as physicians and news media as necessary to develop a capability to augment government disaster response.
- .4. In the event of declared national or local emergency, waive the provisions of law requiring advertisements for bids for the performance of public works or entering into contracts.

- .5. With the approval of the City Council and consistent with the Missouri Emergency Operations Plan, enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid.
- .6. Accept services, materials, equipment, supplies or funds granted or loaned by the Federal Government for disaster planning and operations purposes. (Ord. No. 7997, 9-20-10)

**SECTION 250.100: OATH OF PERSONNEL**

No person shall be employed or associated in any capacity with the office of emergency management who advocates or has advocated a change by force or violence in constitutional form of the government of the United States or of the State of Missouri 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 this office shall, before entering upon the duties of the position, 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 time as I am a member of the City of Monett office of emergency management, 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. (Ord. No. 7997, 9-20-10)

**SECTION 250.101: TESTING AND TRAINING**

The office of emergency management shall conduct exercises, testing and training in accordance with the annual statement of work approved by the State of Missouri Emergency Management Agency. (Ord. No. 7997, 9-20-10)

**ARTICLE III. EMERGENCY ASSISTANCE TO OTHER GOVERNMENTAL AGENCIES**

**SECTION 250.102: EMERGENCY ASSISTANCE TO OTHER GOVERNMENTAL AGENCIES**

- A. The Mayor or the Mayor's designee may authorize the Police Department, Fire Department, Public Works Department, Water and Electric Department, 911 communications and the office of emergency management to provide assistance to any governmental agency in Missouri or in a bordering State at the time of a significant emergency such as a fire, earthquake, flood, tornado, storm, hazardous material incident or civil disturbance.

B. Requests for emergency assistance shall be promptly communicated to the Mayor.

- C. Emergency assistance shall not be authorized, if in the opinion of the Mayor, the safety of the inhabitants of the City of Monett would be jeopardized if such assistance were provided.
- D. This Section does not supersede any existing mutual-aid agreement ordinance or resolution. (Ord. No. 7997, 9-20-10)



## CHAPTER 255: FAIR HOUSING

### SECTION 255.010: DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

*DISCRIMINATE:* To make distinctions in treatment because of race, color, religion, sex, ancestry, national origin, handicap or familial status of any person.

*DWELLING:* Any building, structure or portion thereof which is occupied as, or designated 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.

*PERSON:* One (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated associations, trustees, trustees in bankruptcy, receivers and fiduciaries.

*RENT:* "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant. (CC 1979 §9.1-1; Ord. No. A-4259, 3-24-81; Ord. No. A-4352 §2, 4-29-82)

### SECTION 255.020: DISCRIMINATORY PRACTICES ENUMERATED

A. It shall be an unlawful housing practice:

- A.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;
- A.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;

A.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,

§ 255.020

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;

A.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;

A.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;

A.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.6.a. That buyer or renter;

A.6.b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

A.6.c. Any person associated with that buyer or renter;

A.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.7.a. That person;

A.7.b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

A.7.c. Any person associated with that person.

B. For purposes of Sections 255.020–255.040, discrimination includes:

B.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;

B.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; or

B.3. In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

B.3.a. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

- B.3.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; and
- B.3.c. All premises within such dwellings contain the following features of adaptive design:
  - B.3.c.(1) An accessible route into and through the dwelling;
  - B.3.c.(2) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
  - B.3.c.(3) Reinforcements in bathroom walls to allow later installation of grab bars; and
  - B.3.c.(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 multifamily dwelling*" means:
  - C.1. Buildings consisting of four or more units if such buildings have one or more elevators; and
  - C.2. Ground floor units in other buildings consisting of four 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 paragraph (a) of Subdivision (3) of Subsection (B) of this Section.
- E. Where a unit of general local government has incorporated into its laws the requirements set forth in Subdivision (3) of Subsection (B) of this Section, compliance with such laws shall be deemed to satisfy the requirements of that subdivision. Such compliance shall be subject to the following provisions:
  - E.1. A unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of Subdivision (3) of Subsection (B) of this Section are met;
  - E.2. The commission shall encourage, but may not require, the units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with Subdivision (3) of Subsection (B) of this Section, and shall provide technical assistance to units of local government and other persons to implement the requirements of Subdivision (3) of Subsection (B) of this section;
  - E.3. Nothing in this Chapter shall be construed to 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 subdivision (3) of Subsection (B) of this Section.

E.4. Nothing in this Chapter shall be construed to invalidate or limit any law of the City, in which this Chapter shall be effective, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this Chapter.

- F. Nothing in Sections 255.020–255.040 requires that a dwelling be made available to an individual whose tenancy would 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.
- G. Nothing in Sections 255.020–255.040 limits the applicability of any reasonable City restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision in Sections 255.020–255.040 regarding familial status apply with respect to housing for older persons.
- H. As used in Sections 255.020–255.040, "*housing for older persons*" means housing:
  - H.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;
  - H.2. Intended for, and solely occupied by, persons sixty-two years of age or older; or
  - H.3. Intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing qualifies as housing for older persons under this Subsection, the commission shall develop regulations which require at least the following factors:
    - H.3.a. The existence of 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; and
    - H.3.b. That at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and
    - H.3.c. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.
- I. Housing shall not fail to meet the requirements for housing for older persons by reason of:
  - I.1. Persons residing in such housing as of August 28, 1992, who do not meet the age requirements of subdivision (2) or (3) of Subsection (H) of this Section, provided that new occupants of such housing meet the age requirements of subdivision (2) or (3) of subsection (H) of this section; or
  - I.2. Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subdivision (2) or (3) of Subsection (H) of this Section.
- J. Nothing in Section 255.020, 255.030, or 255.040 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.
- K. Nothing in this Chapter shall prohibit a religious organization, association, or society, or any nonprofit 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.

L. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subdivision (3) of Subsection (A) of this Section, shall apply to:

L.1. The sale or rental of any single family house by a private individual owner, provided the following conditions are met:

L.1.a. The private individual owner does not own or have any interest in more than three single family houses at any one time; and

L.1.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; or

L.2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

#### **SECTION 255.030: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS PROHIBITED**

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 255.040: 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 255.050: WHEN CHAPTER INAPPLICABLE**

The provisions of this Chapter shall not apply to the following:

- .1. Any bona fide religious institution with respect to any qualifications it may impose based upon religion, when such qualifications are related to a bona fide religious purpose.
- .2. A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner resides in such dwelling unit.
- .3. A rental or leasing to less than five (5) persons living in a dwelling unit by the owner, if the owner resides therein. (CC 1979 §9.1-3; Ord. No. A-4259, 3-24-81; Ord. No. A-4352 §4, 4-29-82)

**SECTION 255.060: ENFORCEMENT**

- A. The authority and responsibility for enforcing this Code shall be vested in the Board of Aldermen of the City. Such Board shall administer this Code in a manner affirmatively to further the policies of this Code and to prevent or eliminated discrimination in housing practices. The Board shall cooperate with and render technical assistance through Federal, State or other public or private agencies, organizations and institutions which are formulating or carrying out programs to prevent or eliminate discriminatory housing practices.
- B. Any person who claims to have been injured by discriminatory practice or who believes that he/she will be irrevocably injured by discriminatory housing practice that is about to occur may file a complaint with the board, in writing, which shall contain such information and be in such form as the board shall require. After investigation, the board shall refer such matter to the City Attorney and shall take or direct the taking of such action as it shall deem appropriate.

**SECTION 255.070: PENALTIES—INJUNCTION—AS ALTERNATIVE REMEDY**

- A. Any person convicted of a violation of this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by confinement in the City Jail for not more than thirty (30) days, or by both such fine and imprisonment.
- B. The City Attorney, instead of filing a complaint in the Municipal Court, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State. (CC 1979 §9.1-5; Ord. No. A-4259, 3-24-81; Ord. No. A-4352 §6, 4-29-82)



- .11. If it is confectionery and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths

(4/10ths) of one percent (1%), harmless natural wax not in excess of four-tenths (4/10ths) of one percent (1%), harmless natural gum, and pectin; provided, that this subdivision shall not apply to any confectionery, by reason of its containing less than one-half (½) of one percent (1%) by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances; or

- .12. If it bears or contains a coal tar color other than one (1) from a batch which has been certified under authority of the Federal Act.

*APPROVED:* Acceptable to the Health Authority, based on his/her determination as to conformance with appropriate standards and good public health practice.

*CLOSED:* Fitted together snugly, leaving no openings large enough to permit the entrance of vermin.

*CORROSION RESISTANT MATERIAL:* A material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds and sanitizing solutions which may contact it.

*EASILY CLEANABLE:* Readily accessible and of such material and finish and so fabricated that residue may be completely removed by normal cleaning methods.

*EMPLOYEE:* Any person working in a food service establishment who transports food or food containers, who engages in food preparation or service or who comes in contact with any food utensils or equipment.

*EQUIPMENT:* All stoves, ranges, hoods, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables and similar items, other than utensils, used in the operation of a food service establishment.

*FOOD:* Any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale, in whole or in part, for human consumption.

*FOOD CONTACT SURFACES:* Those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.

*FOOD PROCESSING ESTABLISHMENT:* A commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

*FOOD SERVICE ESTABLISHMENT:* Any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tea room, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, roadside stand, industrial feeding establishment, private, public or nonprofit organization or institution routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public, with or without charge.

*HEALTH AUTHORITY:* The City Physician, or other official appointed by the Council.

*KITCHENWARE:* All multi-use utensils, other than tableware, used in the storage, preparation, conveying or serving of food.

*MISBRANDED:* A food shall be deemed to be misbranded:

- .1. If its labeling is false or misleading in any particular;
- .2. If it is offered for sale under the name of another food;
- .3. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word, "imitation", and, immediately thereafter, the name of the food imitated;
- .4. If its container is so made, formed or filled as to be misleading;
- .5. If in package form, unless it bears a label containing:
  - .5.a. The name and place of business of the manufacturer, packer or distributor;
  - .5.b. An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that under clause (b) of this subdivision reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Department of Health.
- .6. If any word, statement, or other information required by or under authority of Sections 196.010 to 196.120, RSMo., to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
- .7. If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by Section 196.050, RSMo., unless it conforms to such definition and standard, and its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients, other than spices, flavoring, and coloring, present in such food;
- .8. If it purports to be or is represented as:
  - .8.a. A food for which a standard of quality has been prescribed by regulations as provided by Section 196.050, RSMo., and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;
  - .8.b. A food for which a standard or standards of fill of container have been prescribed by regulation as provided by Section 196.050, RSMo., and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;
- .9. If it is not subject to the provisions of Subdivision (7) of this Section, unless it bears labeling clearly giving:
  - .9.a. The common or usual name of the food, if any there be; and

.9.b. In case it is fabricated from two (2) or more ingredients, the common or usual name of each such ingredient, except that spices, flavorings, and colorings, other than those sold as such,

may be designated as spices, flavorings, and colorings, without naming each; provided, that, to the extent that compliance with the requirements of paragraph (b) of this subdivision is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Department of Health; provided further, that the requirements of Paragraph (b) of this Subdivision shall not apply to any carbonated beverage the ingredients of which have been fully and correctly disclosed, to the extent prescribed by said paragraph (b) to the Department of Health in an affidavit;

- .10. If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Department of Health determines to be, and by regulations prescribed, as necessary in order to fully inform purchasers as to its value for such uses;
- .11. If it bears or contains any artificial flavoring, coloring, or chemical preservative, unless it bears labeling stating that fact; provided, that to the extent that compliance with the requirements of this subdivision is impracticable, exemptions shall be established by regulations promulgated by the Department of Health; and provided further, that Subdivision (11) shall not apply to artificial coloring in butter, cheese or ice cream;

*PERISHABLE FOOD:* Any food of such type or in such condition as may spoil.

*POTENTIALLY HAZARDOUS FOOD:* Any perishable food which consists, in whole or in part, of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxicogenic microorganisms.

*SAFE TEMPERATURES:* As applied to potentially hazardous food, temperatures of forty-five degrees Fahrenheit (45°F) or below, and one hundred forty degrees Fahrenheit (140°F) or above.

*SANITIZE:* Effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the Health Authority as being effective in destroying microorganisms, including pathogens.

*SEALED:* Free of cracks or other openings which permit the entry or passage of moisture.

*SINGLE SERVICE ARTICLES:* Cups, containers, lids or closures; plates, knives, forks, spoons, stirrers and paddles; straws, placemats, napkins, dollies and wrapping material; and all similar articles which are constructed, wholly or in part, from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or other readily destructible materials and which are intended by the manufacturers and generally recognized by the public as for one usage only, to be discarded after such single usage.

*TABLEWARE:* All multi-use eating and drinking utensils, including flatware (knives, forks and spoons).

*TEMPORARY FOOD SERVICE ESTABLISHMENT:* Any food service establishment which operates at a fixed location for a temporary period of time, not to exceed two (2) weeks, in connection with a fair, carnival, circus, public exhibition or similar transitory gathering.

*UTENSIL:* Any tableware and kitchenware used in the storage, preparation, conveying or serving of food.

*WHOLESOME*: In sound condition, clean, free from adulteration and otherwise suitable for use as human food. (CC 1979 §12-11; Ord. No. A-2564 §A, 7-29-68)

**SECTION 260.020: FOOD SOURCES**

All food in food service establishments shall be from sources approved or considered satisfactory by the Health Authority and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding and safe for human consumption. No hermetically sealed, non-acid and low acid food which has been processed in a place other than a commercial food processing establishment shall be used. (CC 1979 §12-12; Ord. No. A-2564 §B, 7-29-68)

**SECTION 260.030: FOOD PROTECTION**

All food, while being stored, prepared, displayed, served or sold at food service establishments or during transportation between such establishments, shall be protected from contamination. All perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures, except during necessary periods of preparation and service. Raw fruits and vegetables shall be washed before use. Stuffing, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Individual portions of food once served to the customer shall not be served again; provided, that wrapped food which has not been unwrapped and which is wholesome may be reserved. (CC 1979 §12-13; Ord. No. A-2564 §B, 7-29-68)

**SECTION 260.040: POISONOUS AND TOXIC MATERIALS**

Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in food service establishments. Poisonous and toxic materials shall be identified and shall be used only in such manner and under such conditions as will not contaminate food or constitute a hazard to employees or customers. (CC 1979 §12-14; Ord. No. A-2564 §B, 7-29-68)

**SECTION 260.050: PERSONNEL—HEALTH AND DISEASE CONTROL**

No person, while affected with any disease in a communicable form, while a carrier of such disease or while afflicted with boils, infected wounds, sores or an acute respiratory infection, shall work in any area of a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other individuals, and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he/she shall notify the Health Authority immediately. (CC 1979 §12-15; Ord. No. A-2564 §C, 7-29-68)

**SECTION 260.060: PERSONNEL—CLEANLINESS**

All employees of food service establishments shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to hygienic practices while on-duty. They shall wash their hands thoroughly in an approved hand washing facility before starting work and as often as may be

necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his/her hands. (CC 1979 §12-16; Ord. No. A-2564 §C, 7-29-68)

**SECTION 260.070: FOOD EQUIPMENT AND UTENSILS—DESIGN, CONSTRUCTION, INSTALLATION AND MAINTENANCE**

- A. All equipment and utensils used in food service establishments shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be in good repair. The food contact surfaces of such equipment and utensils shall be easily accessible for cleaning, non-toxic, corrosion resistant and relatively nonabsorbent; provided, that when approved by the Health Authority, exceptions may be made to such materials requirements, for equipment such as cutting boards, blocks and bakers' tables.
- B. All equipment shall be so installed and maintained as to facilitate the cleaning thereof and of all adjacent areas.
- C. Equipment in use on July 29, 1968, which does not meet fully the requirements of this Section may be continued in use, if it is in good repair, capable of being maintained in a sanitary condition and the food contact surfaces are nontoxic.
- D. Single service articles shall be made from nontoxic materials.  
(CC 1979 §12-17; Ord. No. A-2564 §D, 7-29-68)

**SECTION 260.080: FOOD EQUIPMENT AND UTENSILS—CLEANLINESS**

- A. All eating and drinking utensils used in food service establishments shall be thoroughly cleaned and sanitized after each usage.
- B. All kitchenware and food contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink and all food storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once a day. All utensils and food contact surfaces of equipment used in the preparation, service, display or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to such use. Non-food contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition
- C. After cleaning and until use, all food contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.
- D. All single service articles shall be stored, handled and dispensed in a sanitary manner and shall be used only once.
- E. Food service establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single service articles. (CC 1979 §12-18; Ord. No. A-2564 §D, 7-29-68)

**SECTION 260.090: SANITARY FACILITIES AND CONTROLS**

The following regulations shall apply to sanitary facilities and controls in food service establishments:

- .1. *Water supply.* The water supply shall be adequate, of a safe, sanitary quality and from an approved source. Hot and cold running water under pressure shall be provided in all areas where food is prepared or equipment, utensils or containers are washed. Water, if not piped into the

establishments, shall be transported and stored in approved containers and shall be handled and dispensed in a sanitary manner. Ice used for any purpose shall be made from water which comes from an approved source and shall be used only if it has been manufactured, stored, transported and handled in a sanitary manner.

- .2. *Sewage disposal.* All sewage shall be disposed of in a public sewerage system or, in the absence thereof, in a manner approved by the Health Authority.
- .3. *Plumbing.* Plumbing shall be so sized, installed and maintained as to carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage disposal system; and so that it does not constitute a source of contamination of food, equipment or utensils or create an insanitary condition or nuisance.
- .4. *Toilet facilities.* Each food service establishment shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self closing. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles, in toilet rooms for women, shall be covered. Where the use of non-water carried sewage disposal facilities have been approved by the Health Authority, such facilities shall be separate from the establishment. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this Subsection.
- .5. *Hand washing facilities.* Each food service establishment shall be provided with adequate, conveniently located hand washing facilities for its employees, including a lavatory equipped with hot and cold or tempered running water, hand cleaning soap or detergent and approved sanitary towels or other approved hand drying devices. Such facilities shall be kept clean and in good repair.
- .6. *Garbage and rubbish disposal.* All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leakproof, nonabsorbent containers, which shall be kept covered with tight fitting lids when filled or stored or not in continuous use; provided, that such containers need not be covered when stored in a special vermin proofed room or enclosure or in a food waste refrigerator. All other rubbish shall be stored in containers, rooms or areas in an approved manner. The rooms, enclosures, areas and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food waste grinders, if used, shall be installed in compliance with State and local standards and shall be of suitable construction, All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.
- .7. *Vermin control.* Effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of vermin.  
(CC 1979 §12-19; Ord. No. A-2564 §E, 7-29-68)

**SECTION 260.100: FLOORS, WALLS AND CEILINGS**

- A. The floor surfaces of food service establishments, in kitchens, in all other rooms and areas in which food is stored or prepared and in which utensils are washed and in walk-in refrigerators, dressing or locker rooms and toilet rooms shall be of smooth, non-absorbent materials and so constructed as to

be easily cleanable; provided, that the floors of non-refrigerated, dry food storage areas need not be non-absorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding type cleaning or where normal operations release or discharge water or other liquid waste on the floor. All exterior areas where food is served shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

- B. The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food is prepared or utensils or hands are washed shall be easily cleanable, smooth and light colored and shall have washable surfaces up to the highest level reached by splash or spray.  
(CC 1979 §12-20; Ord. No. A-2564 §F, 7-29-68)

#### **SECTION 260.110: LIGHTING**

All areas in food service establishments in which food is prepared or stored or utensils are washed, hand washing areas, dressing or locker rooms, toilet rooms and garbage and rubbish storage areas shall be well lighted. During all clean-up activities, adequate light shall be provided in the area being cleaned and upon or around equipment being cleaned.  
(CC 1979 §12-21; Ord. No. A-2564 §F, 7-29-68)

#### **SECTION 260.120: VENTILATION**

All rooms in food service establishments in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms and garbage and rubbish storage areas shall be well ventilated. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable State and local fire prevention requirements and shall, when vented to the outside air, discharge in such manner as not to create a nuisance. (CC 1979 §12-22; Ord. No. A-2564 §F, 7-29-68)

#### **SECTION 260.130: DRESSING ROOMS AND LOCKERS**

Adequate facilities shall be provided in food service establishments for the orderly storage of employees' clothing and personal belongings. Where employees routinely change clothes within the establishment, one (1) or more dressing rooms or designated areas shall be provided for such purpose. Such designated areas shall be located outside of the food preparation, storage and serving areas and the utensil washing and storage areas; provided, that when approved by the Health Authority, such an area may be located in a storage room where only completely packaged food is stored. Designated areas shall be equipped with adequate lockers, and lockers or other suitable facilities shall be provided in dressing rooms. Dressing rooms and lockers shall be kept clean.  
(CC 1979 §12-23; Ord. No. A-2564 §F, 7-29-68)

#### **SECTION 260.140: HOUSEKEEPING AND CLEANING OPERATIONS—CONDUCTING OPERATIONS IN ROOM USED AS LIVING OR SLEEPING QUARTERS—LIVE BIRDS OR ANIMALS**

All parts of every food service establishment and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize

contamination of food and food contact surfaces. None of the operations connected with a food service establishment shall be conducted in any room used as living or sleeping quarters. Soiled linens, coats and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the conduct of food service establishment operations; provided, that guide dogs accompanying blind persons may be permitted in dining areas. (CC 1979 §12-24; Ord. No. A-2564 §F, 7-29-68)

*Cross Reference—As to animals and fowl generally, see ch. 210 of this code*

**SECTION 260.150: TEMPORARY FOOD SERVICE ESTABLISHMENTS**

A temporary food service establishment shall comply with all provisions of this Chapter which are applicable to its operation; provided, that the Health Authority may augment such requirements, when needed, to assure the service of safe food, may prohibit the sale of certain potentially hazardous food and may modify specific requirements for physical facilities when, in his/her opinion, no imminent health hazard will result. (CC 1979 §12-25; Ord. No. A-2564 §G, 7-29-68)

**ARTICLE II. PERMITS, INSPECTIONS AND ENFORCEMENT**

**SECTION 260.160: PERMIT—REQUIRED—COMPLIANCE WITH ARTICLE PREREQUISITE TO ISSUANCE—TRANSFER—DISPLAY—PERMITS FOR TEMPORARY ESTABLISHMENTS**

It shall be unlawful for any person to operate a food service establishment within the City, or its police jurisdiction, who does not possess a valid permit issued to him/her by the Health Authority. Only a person who complies with the requirements of this Article shall be entitled to receive and retain such a permit. Permits shall not be transferable from one (1) person to another person or place. A valid permit shall be posted in every food service establishment. Permits for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) days. (CC 1979 §12-26; Ord. No. A-2564 §H, 7-29-68)

*Cross Reference—As to licenses and business regulations generally, see ch. 605 of this code.*

**SECTION 260.170: PERMIT—APPLICATION—INSPECTION OF ESTABLISHMENT TO DETERMINE COMPLIANCE WITH ARTICLE—ISSUANCE**

- A. Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the Health Authority. Such application shall include: The applicant's full name and post office address, whether such applicant is an individual, firm or corporation and, if a partnership, the names of the partners, together with their addresses; the location and type of the proposed food service establishment; and the signature of the applicant. If the application is for a temporary food service establishment, it shall also include the inclusive dates of the proposed operation.

- B. Upon receipt of such an application, the Health Authority shall make an inspection of the food service establishment to determine compliance with the provisions of this Article. When inspection reveals that the applicable requirements of this Article have been met, a permit shall be issued to the applicant by the Health Authority. (CC 1979 §12-27; Ord. No. A-2564 §H, 7-29-68)

**SECTION 260.180: PERMIT—SUSPENSION—OPPORTUNITY FOR HEARING—ORDER TO TAKE CORRECTIVE ACTION**

- A. Permits for food service establishments may be suspended temporarily by the Health Authority for failure of the holder to comply with the requirements of this Article.
- B. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this Article, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided, if a written request for a hearing is filed with the Health Authority by the permit holder.
- C. Notwithstanding the other provisions of this Article, whenever the Health Authority finds insanitary or other conditions in the operation of a food service establishment which, in his/her judgment, constitute a substantial hazard to the public health, he/she may, without warning, notice or hearing, issue a written notice to the permit holder or operator, citing such conditions, specifying the corrective action to be taken and specifying the time period within which such action shall be taken. If deemed necessary, such order shall state that the permit is immediately suspended and that all food service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith but, upon written petition to the Health Authority, shall be afforded a hearing as soon as possible. (CC 1979 §12-28; Ord. No. A-2564 §H, 7-29-68)

**SECTION 260.190: PERMIT—REINSTATEMENT OF SUSPENDED PERMITS**

Any person whose permit for operation of a food service establishment has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his/her opinion, the conditions causing suspension of the permit have been corrected, the Health Authority shall make a reinspection. If the applicant is complying with the requirements of this Article, the permit shall be reinstated. (CC 1979 §12-29; Ord. No. A-2564 §H, 7-29-68)

**SECTION 260.200: PERMIT—REVOCATION—SUSPENSION PENDING REVOCATION OR HEARING**

For serious or repeated violations of any of the requirements of this Article, or for interference with the Health Authority in the performance of his/her duties, a permit to operate a food service establishment may be permanently revoked, after an opportunity for a hearing has been provided by the Health Authority. Prior to such action, the Health Authority shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the Health Authority, by the permit holder, within such five (5) day period. A permit may be suspended for cause, pending its revocation or a hearing relative thereto. (CC 1979 §12-30; Ord. No. A-2564 §H, 7-29-68)

**SECTION 260.210: PERMIT—HEARINGS**

The hearings relative to suspension or revocation of permits provided for in this Article shall be conducted by the Health Authority at a time and place designated by him/her. Based upon the record of such hearing, the Health Authority shall make a finding and shall sustain, modify or rescind any

official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the Health Authority.  
(CC 1979 §12-31; Ord. No. A-2564 §H, 7-29-68)

**SECTION 260.220: FREQUENCY OF INSPECTIONS**

At least once every six (6) months, the Health Authority shall inspect each food service establishment located in the City or its police jurisdiction, and shall make as many additional inspections and reinspections as are necessary for the enforcement of this Article.  
(CC 1979 §12-32; Ord. No. A-2564 §H, 7-29-68)

**SECTION 260.230: INSPECTIONS—RIGHT OF ENTRY OF HEALTH AUTHORITY—  
EXAMINATION OF RECORDS**

The Health Authority, after proper identification, shall be permitted to enter, at any reasonable time, any food service establishment within the City or its police jurisdiction, for the purpose of making inspections to determine compliance with this Article. He/she shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used and persons employed. (CC 1979 §12-33; Ord. No. A-2564 §H, 7-29-68)

**SECTION 260.240: INSPECTION RECORDS—DEMERIT VALUES—DEMERIT SCORES**

Whenever the Health Authority makes an inspection of a food service establishment, he/she shall record his/her findings on an inspection report form provided for such purpose and shall furnish the original of such inspection report form to the permit holder or operator. Such form shall summarize the requirements of Article I of this Chapter and shall set forth demerit point values for each such requirement. Upon completion of an inspection, the Health Authority shall total the demerit point values for all requirements in violation, such total becoming the demerit score for the establishment.  
(CC 1979 §12-34; Ord. No. A-2564 §H, 7-29-68)

**SECTION 260.250: INSPECTIONS—NOTICE OF VIOLATIONS**

- A. Whenever the Health Authority makes an inspection of a food service establishment and discovers that any of the requirements of Article 1 of this Chapter have been violated, he/she shall notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the Health Authority shall:
  - A.1. Set forth the specific violations found, together with the demerit score of the establishment.
  - A.2. Establish a specific and reasonable period of time for the correction of the violations found, in accordance with the following provisions:
    - A.2.a. When the demerit score of the establishment is twenty (20) or less, all violations of two (2) or four (4) demerit points must be corrected by the time of the next routine inspection.

A.2.b. When the demerit score of the establishment is more than twenty (20) but not more than forty (40), all items of two (2) or four (4) demerit points must be corrected within a period of time not to exceed thirty (30) days.

A.2.c. When one (1) or more six (6) demerit point items are in violation, regardless of demerit score, such items must be corrected within a period of time not to exceed ten (10) days.

A.2.d. When the demerit score of the establishment is more than forty (40), the permit is immediately suspended.

A.2.e. In the case of temporary food service establishments, violations must be corrected within a specified period of time not to exceed twenty-four (24) hours. Failure to comply with such notice shall result in immediate suspension of the permit.

A.3. State that failure to comply with any notice issued in accordance with the provisions of this Article may result in immediate suspension of the permit.

A.4. State that an opportunity for appeal from any notice or inspection findings will be provided, if a written request for a hearing is filed with the Health Authority within the period of time established in the notice for correction

B. Notices provided for under this Section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge or when such notice has been sent by registered or certified mail, return receipt requested to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Health Authority. (CC 1979 §12-35; Ord. No. A-2564 §H, 7-29-68)

**SECTION 260.260: EXAMINATION OF FOOD—HOLD ORDER ON ADULTERATED OR MISBRANDED FOOD—ORDER TO DENATURE, DESTROY, ETC., FOOD**

Food may be examined or sampled by the Health Authority as often as may be necessary to determine freedom from adulteration or misbranding. The Health Authority may, upon written notice to the owner or person in charge, place a hold order on any food which he/she determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the Health Authority, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of or destroyed without permission of the Health Authority, except on order of a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided for in Section 260.250 (A)(4) and on the basis of evidence produced at such hearing, or on the basis of his/her examination in the event a written request for a hearing is not received within ten (10) days, the Health Authority may vacate the hold order or may, by written order, direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this Article; provided, that such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of this Article shall be stayed, if the order is appealed to a court of competent jurisdiction within three (3) days.  
(CC 1979 §12-36; Ord. No. A-2564 §H, 7-29-68)

**SECTION 260.270: FOOD FROM FOOD SERVICE ESTABLISHMENTS OUTSIDE JURISDICTION OF HEALTH AUTHORITY**

Food from food service establishments outside the jurisdiction of the Health Authority of the City may be sold within the City, if such food service establishments conform to the provisions of this Article

or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in other jurisdictions where such food service establishments are located. (CC 1979 §12-37; Ord. No A-2564 §H, 7-29-68)

**SECTION 260.280: PLANS FOR FUTURE CONSTRUCTION TO BE SUBMITTED TO HEALTH AUTHORITY**

When a food service establishment is constructed or extensively remodeled, or when an existing structure is converted for use as a food service establishment properly prepared plans and specifications for such construction, remodeling or alteration, showing layout, size and type of fixed equipment and facilities, shall be submitted to the Health Authority for approval before such work is begun. (CC 1979 §12-38; Ord. No. A-2564 §H, 7-29-68)

**SECTION 260.290: PROCEDURE WHEN EMPLOYEE SUSPECTED OF DISEASE TRANSMISSION**

When the Health Authority has reasonable cause to suspect possibility of disease transmission from any food service establishment employee, the Health Authority shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The Health Authority may require the following measures:

- .1. The immediate exclusion of the employee from all food service establishments.
- .2. The immediate closure of the food service establishment concerned until, in the opinion of the Health Authority, no further danger of disease outbreak exists.
- .3. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease.
- .4. Adequate medical and laboratory examinations of the employee and of other employees, and of his/her and their body discharges. (CC 1979 §12-39; Ord. No. A-2564 §H, 7-29-68)



## **CHAPTER 265: AIRPORT REGULATIONS**

### **SECTION 265.010: STORAGE IN AIRPORT FACILITIES**

All hanger facilities be for the purpose of storage of aircraft only and no other vehicle or storage of any kind is permitted in the aircraft hangers. (Ord. No. A-6283 §1, 5-31-96)

### **SECTION 265.015: MONETT MUNICIPAL AIRPORT HANGAR RENTAL**

The Monett City Council will establish municipal airport hangar rental fees. Any change in fees will be posted to the public with a thirty (30) day advance notice. (Ord. No. 7647 §1, 3-21-06)

### **SECTION 265.020: AIRPORT IMPROVEMENTS—CITY APPROVAL**

All improvements on the City airport property must be approved by the City Council. The City Council must approve any engineering plans and all improvements must conform to existing structures, design, scheme and color. (Ord. No. A-6284 §1, 5-31-96)

