

## CHAPTER 55

### PETTY OFFENSE CODE

#### SCOPE

5500. Scope.

The provisions of this chapter shall apply throughout the territorial limits of Jackson County. (Ord. 907, Sec. 1, Eff. 10-15-81; Ord. 4111, Eff. 7/27/09; Ord. 4515 Eff. 4/8/13)

5501. Title.

This chapter may be known as the "Petty Offense Code of Jackson County, Missouri". (Ord. 907, Ordinance Clause)

5502. - 5509. RESERVED

#### DEFINITIONS

5510. Definitions.

As used in this chapter, the following words and phrases are defined as follows: (Ord. 4961, Eff. 04/10/17)

*Administer* means to apply a drug or controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

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

(Ord. 4961, Eff. 04/10/17)

*Controlled Substance* means drug, substance, or immediate precursor used in schedules I through V of the Uniform Controlled Substances Act chapter 195, RSMo., or chapter 579, RSMo., including, but not limited to:

1. Cocaine and its derivatives;
2. Opiates and opium derivatives such as heroin, codeine, pethidine, and morphine.
3. Hallucinogenic substances including lysergic acid diethylamide, marijuana (*Cannabis sativa* L.), including seeds of mature plants, mescaline, psilocybin, and various types of methoxyamphetamines;
4. Stimulants such as amphetamines and methamphetamines; and,
5. Barbiturates and other depressants such as amobarbital, secobarbital, pentobarbital, phenobarbital, methaqualone, phencyclidine, and diazepam.

(Ord. 4961, Eff. 04/10/17)

*Deliver or delivery* means the actual, constructive, or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes sale. (Ord. 4961, Eff. 04/10/17)

*Director* means the Director of Public Works of Jackson County or the Director's designee.

*Dispense* means to deliver a drug or controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. (Ord. 4961, Eff. 04/10/17)

*Distribute* means to deliver other than by administering or dispensing a drug or controlled substance. (Ord. 4961, Eff. 04/10/17)

*Drug* means:

1. A substance recognized as a drug in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States or Official National Formulary, or any supplement to either of them;
2. A substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;
3. A substance other than food, intended to effect the structure or any function of the bodies of humans or animals; and,
4. A substance intended for use as a component of any chapter specified in this definition. *Drug* does not include devices or their components, parts, or accessories.

(Ord. 4961, Eff. 04/10/17)

*Drug Paraphernalia* means all equipment, products, substances, and materials of any kind which are used or intended for use, or designed for the 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 imitation controlled substance in violation of chapter 195, RSMo. *Drug Paraphernalia* 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 substances;
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, destrose and lactose, used, intended for use, or designed for the use in cutting controlled substances or imitation controlled substances;
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;
9. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;
10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;
11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as:
  - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - b. Water pipes;
  - c. Carburetion tubes and devices;
  - d. Smoking or carburetion masks;
  - e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  - f. Miniature cocaine spoons and cocaine vials;
  - g. Chamber pipes;
  - h. Carburetor pipes;
  - i. Electric pipes;
  - j. Air-driven pipes;
  - k. Chillums;
  - l. Bonges; and
  - m. Ice pipes or chillers;and

13. Substances used, intended for use, or designed for use in the manufacture of a controlled substance.

(Ord. 4961, Eff. 04/10/17)

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

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;
3. The proximity of the object, in time and space, to a direct violation of any provision of this chapter.
4. The proximity of the object to controlled substances or imitation controlled substances;
5. The existence of any residue of controlled substances or imitation controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to a person whom she/he knows, or should reasonably know, intends to use the object to facilitate a violation of any provision of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of any provision of this chapter shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explain or depict its use;
9. National and local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
13. The existence and scope of legitimate uses for the object in the community;
14. Expert testimony concerning its use; and
15. The quantity, form, or packaging of the product, substance, or material in relation to the quantity, form, or packaging associated with any legitimate use for the product, substance, or material.

(Ord. 4961, Eff. 04/10/17)

*Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

*Emergency Work* means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

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

1. Whether the substance was approved by the U.S. Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the U.S. Food and Drug Administration approved package, with the U.S. Food and Drug Administration approved labeling information;
2. Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;
3. Whether the substance is packaged in a manner normally used for illicit controlled substances;
4. Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;
5. The proximity of the substances to controlled substances;
6. Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An *imitation controlled substance* does not include a placebo or registered investigation drug which was manufactured, distributed, possessed, or delivered in the ordinary course of professional practice or research.

(Ord. 4961, Eff. 04/10/17)

*License or licensed* means persons required to obtain annual registration as issued by the Missouri State Division of Health as provided by in section 195.030, RSMo. (Ord. 4961, Eff. 04/10/17)

*Manufacture* means the production, preparation, propagation, compounding, or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance either directly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container. *Manufacture* does not include the preparation or compounding of a controlled substance or an imitation controlled substance by an individual for personal use or the preparation, compounding, packaging, or labeling of a narcotic or dangerous drug:

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

(Ord. 4961, Eff. 04/10/17)

*Marijuana* means all parts of the plant genus *Cannabis*, in any species or form thereof, including, but not limited to *Cannabis sativa* L., *Cannabis indica*, *Cannabis americana*, *Cannabis ruderalis*, and *Cannabis gigantea*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. *Marijuana* does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. (Ord. 4961, Eff. 04/10/17)

*Narcotic drug* means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical analysis:

1. Opium, opiate, and any derivative of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. *Narcotic drug* does not include the isoquinoline alkaloids of opium;
2. Cocaine or any salt, isomer, or salt of isomer thereof;
3. Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof; and
4. Any compound, mixture, or preparation containing any substance referred to in subsections 1 and 2 of this definition.

(Ord. 4961, Eff. 04/10/17)

*Noise Sensitive Area* includes, but is not limited to, a posted area where a school, hospital, nursing home, church, court, public library, or similar institution is located.

*Person* means any individual, firm, association, partnership, joint venture, or corporation.

*Pharmacist* means a licensed pharmacist as defined by the laws of the State of Missouri, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist. Nothing in this chapter shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege that is not granted by the pharmacy laws of the State of Missouri. (Ord. 4961, Eff. 04/10/17)

*Practitioner* means a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered, or otherwise permitted by the State of Missouri to distribute, dispense, conduct research with respect to, administer, or to use in teaching or chemical analysis, a controlled substance in the course of professional practice and research in the State of Missouri, or a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research. (Ord. 4961, Eff. 04/10/17)

*Production* includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance. (Ord. 4961, Eff. 04/10/17)

*Prescription* means a written order, and in cases of emergency, a telephone order, issued by a practitioner in good faith in the course of his/her professional practice to a pharmacist for a drug for a particular patient, which specifies the date of its issue, the name and address of the patient (and, if such drug is prescribed for an animal, the species of such animal), the name and quantity of the drug prescribed, the directions for use of such drug, and the signature of such practitioner. (Ord. 4961, Eff. 04/10/17)

*Public right-of-way* means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

*Public Space* means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

*Residential Area* means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of Jackson County's Unified Development Code, chapter 240 of this Code.

*Sheriff* means the Sheriff of Jackson County or the Sheriff's designee. (Ord. 3494, Eff. 05-28-04)

*Warehouseman* means a person who, in the usual course of business, stores drugs for others lawfully entitled to possess them and who has no control over the disposition of such drugs except for the purpose of such storage. (Ord. 4961, Eff. 04/10/17)

*Wholesaler* means a person who supplies drug paraphernalia, controlled substances, or imitation controlled substances not produced or prepared by that person, on official written orders, but not on prescription. (Ord. 4961, Eff. 04/10/17)

5511. - 5519. RESERVED

## PENALTY

### 5520. Penalty, Violation of Petty Offense Code.

Any person who violates the provisions of § 5534.4 of this chapter shall on conviction be subject to punishment pursuant to section 571.107.2, RSMo. Any person who violates the provisions of section 5567. of this chapter shall on conviction be subject to punishment pursuant to section 5567.2. Any person who violates the provisions of section 5568. of this chapter by possessing not more than ten grams of marijuana or any synthetic cannabinoid shall on conviction be subject to punishment by a fine of not more than five hundred dollars (\$500). Any person who violates any of the remaining provisions of this chapter shall on conviction be subject to punishment by a fine of not more than one thousand dollars (\$1000) or by imprisonment in the county jail for a term not exceeding one (1) year, or by both. (Ord. 907, Sec. 15, Eff. 10-15-81; Ord. 3423, Eff. 10-08-03; Ord. 4737, Eff. 06/01/15; Ord. 4961, Eff. 04/10/17)

### 5521. Failure to Register as a Sex Offender.

A person commits the offense of failing to register as a sex offender when the person is required to register under sections 589.400 to 589.425 of the Revised Statutes of Missouri and fails to comply with any requirement of sections 589.400 to 589.425.

C/R: (Ord. 3959, Eff. 12-14-07; Ord. 4832, Eff. 04/04/16)

### 5522. Halloween, Restrictions On Conduct.

#### 5522.1. Violation.

Any person required to register as a sexual offender under sections 589.400 to 589.425, RSMo, shall be required on October thirty-first of each year to:

- a. Avoid all Halloween-related contact with children;
- b. Remain inside his or her residence between the hours of 5 p.m. and 10:30 p.m. unless required to be elsewhere for just cause, including but not limited to employment or medical emergencies;
- c. Post a sign at his or her residence stating, "No candy or treats at this residence"; and
- d. Leave all outside residential lighting off during the evening hours between 5 p.m. and 10:30 p.m.



5522.2. Penalty.

Any person required to register as a sexual offender under sections 589.400 to 589.425, RSMo, who violates any of the provisions of subsection 1 of this section shall be guilty of a county ordinance violation, punishable upon conviction pursuant to section 5520. of this chapter. (Ord. 4832, Eff. 04/04/16)

5523. Certain Offenders Not to Reside Within One Thousand Feet of a School or Child Care Facility.

5523.1. Violation.

No person who, since July 1, 1979, has been or hereafter has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

- a. Violating any of the provisions of chapter 566, RSMo, or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography in the first degree; section 573.035, RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession of child pornography, or section 573.040, RSMo, furnishing pornographic material to minors; or
- b. Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in the state of Missouri, would be a violation listed in section 566.147, RSMo;

shall reside within one thousand feet of any public school as defined in section 160.011, RSMo, any private school giving instruction in a grade or grades not higher than the twelfth grade, any child care facility that is licensed under chapter 210, RSMo, or any child care facility as defined in section 210.201, RSMo, that is exempt from state licensure but subject to state regulation under section 210.252, RSMo, and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

5523.2. Residence Predates School.

If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child care facility, notify the sheriff that he or she is now residing within one thousand feet of such public school, private school, or child care facility and shall provide verifiable proof to the sheriff

that he or she resided there prior to the opening of such public school, private school, or child care facility.

5523.3. Definition.

For purposes of this section, "resides" means sleeps in a residence, which may include more than one location and may be mobile or transitory.

5523.4. Penalty.

A violation of any of the provisions of this section is a county ordinance violation, punishable upon conviction pursuant to section 5520. of this chapter. No person shall be cited for a violation of this section more frequently than once every thirty days. (Ord. 4832, Eff. 04/04/16)

5524. Certain Offenders Not to Physically Be Present or Loiter Within Five Hundred Feet of a Child Care Facility.

5524.1. Violation.

No person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

- a. Violating any of the provisions of chapter 566, RSMo, or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography in the first degree; section 573.035, RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession of child pornography, or section 573.040, RSMo, furnishing pornographic material to minors; or
- b. Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in the state of Missouri, would be a violation listed in section 566.148, RSMo;

shall knowingly be physically present in or loiter within five hundred feet of or approach, contact, or communicate with any child under eighteen years of age in any child care facility building, or on the real property comprising any child care facility when persons under the age of eighteen are present in the building, on the grounds, or in a conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

5524.2. Definition.

For purposes of this section, "child care facility" shall have the same meaning as such term is defined in section 210.201, RSMo.

5524.3. Exception, Residence Predates Facility

This section shall not apply to any person who has established a residence that predates the opening of a child care facility, for so long as that person is on the premises of the residence and is otherwise in compliance with section 5523.2 of this chapter.

5524.4. Penalty.

Any person who violates any of the provisions of this section is guilty of a county ordinance violation, punishable upon conviction pursuant to section 5520. of this chapter. (Ord. 4832, Eff. 04/04/16)

5525. Certain Offenders Not to be Present Within Five Hundred Feet of School Property.

5525.1. Violation.

No person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

- a. Violating any of the provisions of chapter 566, RSMo, or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography; or section 573.040, RSMo, furnishing pornographic material to minors; or
- b. Any offense in any other state or foreign country, or under tribal, federal, or military jurisdiction which, if committed in the state of Missouri, would be a violation listed in section 566.149, RSMo;

shall be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in subsection 5525.2 of this section. (Ord. 4832, Eff. 04/04/16)

5525.2. Exception, Permission Required For Parents or Guardians Who Are Offenders.

No parent, legal guardian, or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in subsection 5525.1 of this section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the superintendent or school board or, in the case of a private school, from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent, school board, or, in the case of a private school from the principal, for more than one event at a time, such as a series of events, however, the parent, legal guardian, or custodian must obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted.

5525.3. Exception, Residence Predates School

This section shall not apply to any person who has established a residence that predates the opening of a school, for so long as that person is on the premises of the residence and is otherwise in compliance with section 5523.2 of this chapter.

5525.4. Penalty.

Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, a violation of any of the provisions of this section shall be a county ordinance violation, punishable upon conviction pursuant to section 5520. of this chapter. (Ord. 4832, Eff. 04/04/16)

5526. Certain Offenders Not to be Present or Loiter Within Five Hundred Feet of a Public Park or Swimming Pool.

5526.1. Violation.

No person who has pleaded guilty to, been convicted of, or been found guilty of:

- a. Violating any of the provisions of chapter 566, RSMo, or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography; or section 573.040, RSMo, furnishing pornographic material to minors; or

- b. Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in the state of Missouri, would be a violation listed in section 566.150, RSMo;

shall knowingly be present in or loiter within five hundred feet of any real property comprising any public park with playground equipment or a public swimming pool.

5526.2. Exception, Residence Predates Park or Swimming Pool.

This section shall not apply to any person who has established a residence that predates the opening of a public park or public swimming pool, for so long as that person is on the premises of the residence and is otherwise in compliance with section 5523.2 of this chapter.

5526.3. Penalty.

A violation of any of the provisions of this section shall be a county ordinance violation, punishable upon conviction pursuant to section 5520. of this chapter. (Ord. 4832, Eff. 04/04/16)

5527. Aiding a Sexual Offender.

5527.1. Violation.

A person commits the offense of aiding a sexual offender if such person knows that another person is a convicted sexual offender who is required to register as a sexual offender and has reason to believe that such sexual offender is not complying, or has not complied, with the requirements of sections 589.400 to 589.425, RSMo, and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the offender about, or to arrest the offender for, his or her noncompliance with the requirements of sections 589.400 to 589.425, RSMo:

- a. Withholds information from or does not notify the law enforcement agency about the sexual offender's noncompliance with the requirements of sections 589.400 to 589.425, RSMo, and, if known, the whereabouts of the sexual offender;
- b. Harbors or attempts to harbor or assists another person in harboring or attempting to harbor the sexual offender;
- c. Conceals or attempts to conceal or assists another person in concealing or attempting to conceal the sexual offender; or
- d. Provides information to the law enforcement agency regarding the sexual offender which the person knows to be false information. (Ord. 4832, Eff. 04/04/16)

5527.2. Penalty.

A violation of any of the provisions of this section shall be a county ordinance violation, punishable upon conviction pursuant to section 5520. of this chapter. (Ord. 4832, Eff. 04/04/16)

5528. – 5529. RESERVED

PETTY OFFENSES

5530. Injury to Property.

No person shall willfully deface, damage, injure or destroy any building, bridge, fence or other enclosure, gate, gate post, grounds, lamp, lamp post, fireplug or hydrant, railing, sign, tree, tree box or any other property whether public or private, not belonging to that person either by breaking, cutting, hacking, pulling down, tearing, marking, daubing with paint or other substance, or in any other way or manner defacing, damaging, injuring or destroying the property. (Ord. 907, Sec. 3, Eff. 10-15-81)

5531. Disorderly Conduct.

No person shall provoke a breach of the peace by committing any of the following acts:

- a. Use threatening, offensive, disorderly, abusive, or insulting language, conduct, or behavior.
- b. Act in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to others or to any lawful assemblage.
- c. By his actions cause a crowd to collect, except when lawfully addressing such crowd.
- d. Shout or make a noise during the nighttime to the annoyance or disturbance of any considerable number of persons.
- e. Cause a disturbance in any bus, railroad car, or other public conveyance, by running through it, climbing through windows or upon the seats, or otherwise annoying passengers or employees therein.
- f. Wander, prowl, or loiter upon the private property of another, in the nighttime, and peek or peer in the door or window of any building or structure located thereon which is inhabited by human beings, without any visible or lawful business with the owners or occupants thereof. (Ord. 907, Sec. 4, Eff. 10-15-81; Ord. 2106, Eff. 06/16/92)

5532. Permitting Disorderly Conduct.

No person shall knowingly permit any conduct of the kind described in Section 5531.00 in or on any house or premises occupied by him as his residence and under his control so that others in the vicinity are likely to be disturbed by that conduct. (Ord. 907, Sec. 5, Eff. 10-15-81; Ord. 2106, Eff. 06/16/92)

5533. Disturbing Lawful Assemblies.

No person acting alone, or in concert with others, shall willfully, maliciously or contemptuously interfere unreasonably with any meeting or assembly of people met together for any lawful purpose by making noise or by rude or indecent behavior or profane discourse within the place of the assembly or so near that place as to interrupt or disturb. (Ord. 907, Sec. 6, Eff. 10-15-81; Ord. 2106, Eff. 6/16/92)

5534. Weapons Offenses.

For the purposes of this chapter, the following terms shall be defined as follows:

a. Blackjack/Martial Arts Instrument.

Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use, i.e. numchucks, throwing stars, slapper, blackjack, etc.

b. Firearm.

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

c. Gas Gun.

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

d. Knife.

Any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this chapter, "knife" does not include any ordinary pocket knife with a blade less than four inches in length.

e. Knuckles.

Any instrument that consists of finger ring(s) or guard(s) made of a hard substance that is designed, adapted, or used for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

f. Projectile Weapon.

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

g. Stun Gun/Taser.

Any portable device or weapon that produces an electric current impulse, wave, or beam capable of temporarily incapacitating, injuring, or killing a human being. (Ord. 3866, Eff. 01/23/07)

h. Switchblade/Butterfly Knife.

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

(1) Opens automatically by pressure applied to a button or other device located on the handle; or

(2) Opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force. (Ord. 907, Sec. 9, Eff. 10-15-81; Ord. 2106, Eff. 6/16/92; Ord. 3866, Eff. 01/23/07)

5534.1 Carrying a Concealed Weapons.

No person shall carry concealed upon or about his person any firearm, blackjack, martial arts instrument, knuckles, knife, projectile weapon, gas gun, switchblade or butterfly knife, or any other weapon readily capable of lethal use. This subsection shall not apply to any person who has a valid concealed carry permit issued pursuant to section 571.101, RSMo, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, with regard to the carrying of the type of firearm specified in the endorsement or permit. (Ord. 2106, Eff. 6/16/92; Ord. 3423, Eff. 10-08-03; Ord. 4737, Eff. 06/01/15; Ord. 4737, Eff. 06/01/15)

5534.2 Unlawful Use of Weapons.

No person shall:

a. Possess or discharge a firearm or projectile weapon while intoxicated;

b. Discharge a firearm or projectile weapon in a careless or reckless manner; or

c. Discharge a firearm or projectile weapon in a manner so as to allow a projectile to travel beyond the boundaries of the tract of real property from which it was fired onto another tract not under common ownership. (Ord. 4639, Eff. 07/14/14)



5534.3 Weapons on Public Property.

No person shall carry any firearm, blackjack, martial arts instrument, knuckles, knife, projectile weapon, gas gun, switchblade or butterfly knife, stun gun or taser, or any other weapon readily capable of lethal use onto any property belonging to or leased by the county. This subsection shall not apply to any person who has a valid concealed carry permit issued pursuant to section 571.101, RSMo, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, with regard to the carrying of the type of firearm specified in the endorsement or permit. Further, this subsection shall not apply to the open carrying of any weapon described in subsection 5534.g of this section on any unimproved real property within the county park system. (Ord. 2106, Eff. 6/16/92; Ord. 3423, Eff. 10-08-03; Ord. 3866, Eff. 01/23/07; Ord. 4737, Eff. 06/01/15)

5534.4 Firearms in County Buildings.

a. No person who has been issued a concealed carry permit under section 571.101, 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 firearm or to openly carry a firearm, in any building or portion of a building owned, leased, or controlled by the county. (Ord. 4737, Eff. 06/01/15)

b. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the county stating that carrying of firearms is prohibited. Where the county owns, leases, or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building stating that carrying of firearms is prohibited.

c. This subsection 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 county.

d. Any person violating this subsection may be denied entrance to the building or ordered to leave the building. Any person violating this subsection who refuses to leave a county building after being ordered to do so may be punished pursuant to section 571.107.2, RSMo. Any county employee violating this subsection may be disciplined in accordance with the county's personnel rules. (Ord. 4737, Eff. 06/01/15)

5534.5 Law Enforcement Officers - Exception.

Nothing in this section shall apply to any legally qualified United States, state, county or municipal law enforcement officer, as defined by section 571.030.2, RSMo, so as to prevent such officer from carrying or wearing these weapons as may be necessary in the proper discharge of his duties. (Ord. 2106, Eff. 6/16/92; Ord. 3423, Eff. 10-08-03; Ord. 4737, Eff. 06/01/15)

5535. Concealing Dangerous Objects in Food Stuffs.

It shall be unlawful for any person to place or insert razor blades, fish hooks or similar dangerous objects in food stuffs or in any objects resembling edible articles within the access of any person not aware of that insertion. (Ord. 907, Sec. 9, Eff. 10-15-81)

5536. Distribution of Food Stuffs With Concealed Dangerous Objects.

It shall be unlawful for any person to knowingly distribute, offer for distribution or possess with intent to distribute any food stuffs or apparently edible articles in which the objects described in Section 5535.00 are inserted. (Ord. 907, Sec. 9, Eff. 10-15-81)

5537. Trespassing.

It shall be unlawful for any person to:

a. Unauthorized Entry.

Enter any building or on any enclosed or improved real estate, lot or parcel of ground in Jackson County without lawful authority or without the expressed or implied consent of the owner or his agent, or

b. Refuse to Leave.

Fail or refuse to leave any building or any enclosed or improved real estate, lot or parcel of ground in Jackson County when requested to do so by the person lawfully in possession of that property, his agent or representation. (Ord. 907, Sec. 11, Eff. 10-15-81)

5538. Unauthorized Parking.

It shall be unlawful for any person to stand or park a vehicle in any county parking lot so as to occupy or obstruct access to any parking area, or to impede movement of traffic unless authorized by the manager, Division of Building and General Services, or his representative. (Ord. 907, Sec. 12, Eff. 10-15-81)

5539. Obedience to Sheriff or Deputy.

It shall be unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of a police officer in the performance of the duty of that officer. (Ord. 907, Sec. 13, Eff. 10-15-81; Ord. 1320, Eff. 05-16-85)

5540. Littering.

It shall be unlawful for any person to throw or place, or to cause 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 highway, on any other property belonging to the county, or on any private real property owned by another without his consent. (Ord. 907, Sec. 14, Eff. 10-15-81; Ord. 1320, Eff. 05-16-85)

5541. Gambling.

It shall be unlawful for any person to:

a. Bet on Game of Chance.

Bet, wage, win or lose money or property, or things representing money or property on the result of any game in which chance is a material element unless permitted by state law, or

b. Participate in Game of Chance.

Participate in any manner or be interested in any such game of chance. (Ord. 907, Sec. 7, Eff. 10-15-81)

5542. Use of Premises for Gambling.

It shall be unlawful for any person to knowingly permit any gambling table or other gambling device at which any unlawful game of chance may be played for money or property, to be set up, maintained or used in any room, house, building or other premises belonging to that person, in his possession or under his control. (Ord. 907, Sec. 8, Eff. 10-15-81)

5543. Tampering with Fire Hydrants - Prohibited.

No person shall tamper with any fire hydrant, fire plug or other device available for connecting a fire hose to a water main without obtaining a permit to do so from fire fighting authorities having jurisdiction in the area within which said device is located and from the owner of said device. The word "tamper" shall include, but not be limited to, any impact or abuse that leaves device unserviceable, the removal of the cap or any other part of said device; the insertion of any object or material into said device; the application of any wrench, tool, implement or other object or material to said device; the attachment of a hose or any other instrument to said device; or the use of said device in any fashion so as to permit unmetered water to flow therefrom. This section shall not apply to the owner of said device, the agents and employees of said owner, representatives of Jackson County or other governmental agency or regulated utility when authorized by said owner and any fire fighting personnel engaged in any activity related to fire fighting or the maintenance and operation of fire fighting equipment. (Ord. 1298, Eff. 3/28/85)

5544. Alteration of Drug Tests.

a. No person shall sell, lend, rent, lease, give, exchange, deliver, or otherwise distribute any item intended to be used to alter or attempt to alter, the results of any drug test.

b. In determining whether any item is intended to be used to alter or attempt to alter the results of any drug test, in addition to all other logically relevant factors the following should be considered:

(1) Statements by an owner or by anyone in control of the item concerning its use;

(2) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who the owner or person in control knows, or should reasonably know, intend to use it to alter, or to attempt to alter, any drug test;

(3) Instructions, oral or written, provided with the item concerning its use;

(4) Descriptive materials accompanying the object which explain or depict its use;

(5) National or local advertising concerning its use;

(6) The manner in which the item is displayed for sale;

(7) 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 pharmacy;

(8) The existence and scope of legitimate uses for the object in the community;

(9) Expert testimony concerning its use.

c. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication 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 items designed or intended for use to alter or to attempt to alter a drug test.

d. Any person convicted of violating this section shall be punished by a fine of not less than \$500, imprisonment for not more than six months, or by both such fine and imprisonment. (Ord. 1870, Eff. 09/19/90)

5545. Stealing.

No person shall intentionally steal the property of another, either without consent or by deceit. (Ord. 2106, Eff. 6/16/92)

5545.1 Lost Property.

A person who appropriates lost property shall not be deemed to have stolen the same unless such property is found under circumstances which give the finder knowledge of or reasonable means of inquiry as to the identity of the true owner. (Ord. 2106, Eff. 6/16/92)

5546. Assault.

a. Attempt.

No person shall, by an intentional, overt act, attempt to inflict bodily injury or cause an offensive contact upon the person of another.

b. Infliction.

No person shall, by an intentional, overt act, inflict bodily injury or cause an offensive contact upon the person of another. (Ord. 2106, Eff. 6/16/92)

5547. RESERVED

(Former section 5547., "Tampering with a Motor Vehicle," has been transferred to section 5574. of this chapter, by the Revisor pursuant to section 142.4.d of this code.)

5548. Possession of Alcohol by Minor.

No person under the age of 21 years shall purchase alcoholic beverages. No such person shall have in his possession, either on his person or in a vehicle of which he is an occupant, any alcoholic beverages except when such minor shall be accompanied by parent or legal guardian. (Ord. 2106, Eff. 6/16/92)

5548.1 Misrepresentation of Age by Minor.

No person under the age of 21 shall misrepresent his age as being 21 years or older for the purpose of purchasing any alcoholic beverage. (Ord. 2106, Eff. 6/16/92)

5549. False Report or Information.

No person shall knowingly and willfully make any false report, or give any false information to any public authority or police officer, or to any person reasonably calculated to relay such false report or information to any public authority or police officer, relating to the

commission or alleged commission of any violation of any county ordinance, which false report or information is calculated to cause such public authority or police officer to expend time or money in investigating such offense or alleged offense, or calculated to cause public apprehension of danger. (Ord. 2106, Eff. 6/16/92)

5550. False Bomb Report.

No person shall knowingly make a false report or cause a false report to be made to any person that a bomb or other explosive has been placed in any public or private place or vehicle. (Ord. 2106, Eff. 6/16/92)

5551. Fleeing or Attempting to Elude an Officer.

No person who is operating a motor vehicle shall willfully fail or refuse to bring his vehicle to a stop, or otherwise flee or attempt to elude a pursuing police vehicle, when given visible or audible signals to stop. Such signals to stop may be by hand, voice, or emergency light or siren. (Ord. 2106, Eff. 6/16/92)

5552. Hindering an Officer/Resisting Arrest.

No person shall knowingly and willfully obstruct, resist, or oppose any law enforcement officer, any member of the sheriff's patrol, or any person duly empowered with police authority, while in the discharge or apparent discharge of his duty, or in any way interfere with or hinder him in the discharge of his duty. (Ord. 2106, Eff. 6/16/92)

5553. Aiding an Escape.

No person shall offer, aid, or attempt to assist or aid any person in the custody of or confined under the authority of the sheriff or department of corrections to escape from jail, place of confinement, or custody. (Ord. 2106, Eff. 6/16/92)

5554. Resisting Arrest.

No person, knowing that a law enforcement officer is making an arrest, shall, for the purpose of preventing the officer from effecting the arrest:

(a) Resist the arrest of himself by using or threatening the use of physical force or violence or by fleeing from such officer; or

(b) Interfere with the arrest of another person by using or threatening the use of violence, physical force, or physical interference. (Ord. 2106, Eff. 6/16/92)

This section applies to arrests with or without warrants and to arrests for any crime or ordinance violation. (Ord. 2106, Eff. 6/16/92)

5555. Public Obscenity.

No person shall use lewd, obscene, profane, or vulgar language while on any public street or public property or while at any place of business open to public patronage including,

but not limited to, restaurants and other businesses which serve food or beverage, pool halls, dancing halls, public parks, car washes, parking lots and the like, under such circumstances such that the language has a direct tendency to or has the effect of causing an immediate violent response by a reasonable recipient. (Ord. 2106, Eff. 6/16/92)

5556. Public Indecent Exposure.

No person shall appear in or upon any street, sidewalk, park, public place or place open to the public view, in a state of nudity or partial nudity, or make any indecent exposure or exhibition of his or her person for any reason whatsoever, or be guilty of an obscene or filthy act, or any lewd, indecent or immoral conduct or to expose him- or herself in any way for the purpose of urination and/or defecation in or upon any street, park, public place or private place open to public view other than in restroom facilities provided for such activity. (Ord. 2106, Eff. 6/16/92)

5557. Disturbing the Peace.

No person shall disturb the peace of any other person by unseemly, profane, or obscene language calculated to provoke a breach of the peace, or by violent or offensive conduct or carriage, or by loud or unusual noises or by assaulting, striking, or fighting another, nor shall any person allow or permit any such conduct or language in or upon any house or premises owned or occupied by him or under his management or control, so that any other person in the vicinity is disturbed thereby. (Ord. 2106, Eff. 6/16/92)

5558. Children on Street at Night.

No person under eighteen years of age shall be or remain upon any street, alley, or other public place in the county between the hours of 11:00 p.m. and 6:00 a.m., unless such person is accompanied by a parent, guardian, or other person having custody of such person, or unless in the performance of duty directed by such parent, guardian, or other person having custody, or unless such person is engaged in lawful employment or on a lawful errand, making it necessary to be in such a place between the hours of 11:00 p.m. and 6:00 a.m. (Ord. 2337, Eff. 11/14/94)

5559. Permitting Children to Violate Curfew.

No person having the legal care and custody of any person under eighteen years of age shall allow or permit such person to go or be upon any public street, alley, or other public place in the county between the hours of 11:00 p.m. and 6:00 a.m., except in case of necessity. (Ord. 2337, Eff. 11/14/94)

5560. Endangering the Welfare of a Child.

No person shall endanger the welfare of a child. A person endangers the welfare of a child when that person:

5560.1 Negligently Creates Risk to Life, Body, or Health.

With criminal negligence, as defined in § 562.016.5, RSMo, acts in a manner that creates a risk to the life, body, or health of a child less than 17 years old;

5560.2 Knowingly Allows Child to Come Under Jurisdiction of Family Court.

Knowingly, as defined in § 562.016.3, RSMo, encourages, aids, or causes a child less than 17 years old to engage in any conduct which causes or tends to cause the child to come under this jurisdiction of the family court pursuant to the provisions of § 211.031.1(2)(d) or § 211.031.1(3), RSMo;

5560.3 Recklessly Failing to Care For or Control Child.

Being a parent, guardian, or other person legally charged with the care or custody of a child less than 17 years old, recklessly, as defined in § 567.016.4, RSMo, fails or refuses to exercise reasonable diligence in the care or control of such child to prevent the child from coming under the jurisdiction of the family court pursuant the provisions of § 211.031.1(1)(c), § 211.031.1(2)(d), or § 211.031.1(3), RSMo; or

5560.4 Knowingly Allows Child to Enter Drug House.

Knowingly, as defined in § 562.016.3, RSMo, encourages, aids, or causes a child less than 17 years old to enter into any room, building, or other structure which is a public nuisance as defined in § 195.130.1, RSMo.

5560.5 Recognized Nonmedical Remedial Treatment Not To Constitute Endangerment.

Nothing in this section shall be construed to mean that the welfare of a child is endangered for the sole reason that the child is being provided nonmedical remedial treatment recognized and permitted under the laws of the state of Missouri. (Ord. 3181, Eff. 09/12/01)

5561. Swimming.

No person shall swim, bathe, wade, or float in or on any non-licensed floatation device, on Tarsney Lake, Wood Lake, or any other waterway owned by the county outside the county park system, except that persons wearing type I, II, or III personal floatation devices approved by the United States Coast Guard may swim from a moored boat. (Ord. 3257, Eff. 06/11/02)

5562. Boating.

No person shall operate a gasoline-powered boat or other watercraft on Tarsney Lake, Wood Lake, or any other waterway owned by the county outside the county park system. (Ord. 3257, Eff. 06/11/02)

5563. Noise, General Prohibition.

- a. No person shall make, continue, or cause to be made or continued:



- (1) any unreasonably loud or raucous noise; or
- (2) any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of Jackson County; or
- (3) any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

b. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

- (1) The proximity of the sound to sleeping facilities, whether residential or commercial;
- (2) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
- (3) the time of day or night the sound occurs;
- (4) the duration of the sound; and
- (5) Whether the sound is recurrent, intermittent, or constant.  
(Ord. 3494, Eff. 05-28-04)

#### 5564. Noises Prohibited.

The following acts are declared to be per se violations of this chapter. This enumeration does not constitute an exclusive list:

- a. Unreasonable Noises: The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort

of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

b. Vehicle Horns, Signaling Devices, and Similar Devices: The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space, for more than ten (10) consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.

c. Non-Emergency Signaling Devices: Sounding or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten (10) consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the County for traffic control purposes are exempt from the operation of this provision.

d. Emergency Signaling Devices: The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (1) and (2), below.

(1) Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five (5) minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.

(2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within fifteen (15) minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this chapter.

e. Radios, Televisions, Boomboxes, Phonographs, Stereos, Musical Instruments and Similar Devices: The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by, or is plainly audible

at a distance of 50 feet from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings.

f. **Loudspeakers, Amplifiers, Public Address Systems, and Similar Devices:** The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays in the following areas:

- (1) Within or adjacent to residential or noise-sensitive areas;
- (2) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous.

This shall not apply to any public performance, gathering, or parade for which a permit has been obtained from the County.

g. **Yelling, Shouting, and Similar Activities:** Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.

h. **Animals and Birds:** Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Sounds made by animals or birds in animal shelters, kennels, veterinary hospitals, pet shops or pet kennels, licensed under and in compliance with licensing and permitting provisions set forth in the Unified Development Code, chapter 240 of this Code are exempt from this subsection.

i. **Loading or Unloading Merchandise, Materials, Equipment:** The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence.

j. Construction or Repair of Buildings, Excavation of Streets and Highways: The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m., on weekdays. In cases of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, the Director may issue a permit, upon application, if the Director determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m. will not be impaired, and if the Director further determines that loss or inconvenience would result to a party in interest. The permit shall grant permission in non-emergency cases for a period of not more than three (3) days. The permit may be renewed once for a period of three (3) days or less.

k. Noise Sensitive Areas - Schools, Courts, Churches, Hospitals, and Similar Institutions: The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which disturbs the persons in these institutions; provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.

l. Blowers, and Similar Devices: In residential or noise sensitive areas, between the hours of 7:00 p.m. and 7:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.

m. Commercial Establishments Adjacent to Residential Property: Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m. which is plainly audible at a distance of five (5) feet from any residential property. (Ord. 3494, Eff. 05-28-04)

5565. Exemptions.

Sounds caused by the following are exempt from the prohibitions set out in section 5564. and are in addition to the exemptions specifically set forth in section 5564:

a. Motor vehicles on trafficways of the County, provided that the prohibition of section 5564.(b) continues to apply.

- b. Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.
- c. Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in section 5564.(d) continues to apply.
- d. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- e. Repairs or excavations of bridges, streets or highways by or on behalf of the County, the State, or the federal government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.
- f. Outdoor School and Playground Activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.
- g. Other Outdoor Events. Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority. (Ord. 3494, Eff. 05-28-04)

5566. Enforcement.

- a. The following individuals shall enforce this chapter: The Sheriff will have primary responsibility for the enforcement of the noise regulations contained herein. Nothing in this chapter shall prevent the Sheriff from obtaining voluntary compliance by way of warning, notice or education.
- b. If a person's conduct would otherwise violate this chapter and consists of speech or communication, of a gathering with others to hear or observe speech or communication, or of a gathering with others to picket or otherwise express in a non-violent manner a position on social, economic, political or religious questions, the person must be ordered to, and have the opportunity to, move, disperse, or otherwise remedy the violation prior to arrest or a citation being issued. (Ord. 3494, Eff. 05-28-04)

5567. Smoking Prohibited; Except for Designated Areas.

Smoking is prohibited on all of the exterior premises of County property located at 415 E. 12<sup>th</sup> Street, Kansas City, MO with the exception of any smoking pavilion designated by order of the County Executive. (Ord. 3709, Eff. 11/23/05)

5567.1 Posting and Designation.

The perimeter of the exterior premises and all entrances to County property located at 415 E. 12<sup>th</sup> Street in Kansas City, MO shall be posted No Smoking signs and any designated smoking pavilion will be posted for its intended use. (Ord. 3709, Eff. 11/23/05)

5567.2 Penalty.

Any person who violates the provisions of Section 5567. of this Chapter shall on conviction be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail or detention facility for a term not exceeding six (6) months, or by both. (Ord. 3709, Eff. 11/23/05)

5568. Controlled Substances, Prohibited.

No person shall sell, give away, manufacture, use, or possess for any purpose whatever any controlled substance, except as provided in this section.

1. Distribution by licensed practitioners is permitted under the following conditions:
  - a. Practitioners. A licensed practitioner shall be permitted to dispense or distribute controlled substances and drugs to a person in the course of his or her professional practice only, and such licensed practitioner shall not be permitted to possess controlled substances for any other purpose.
  - b. Pharmacists. A licensed pharmacist shall be permitted to dispense or distribute controlled substances and drugs to persons under and in pursuance of written prescriptions issued by any licensed practitioner, and such licensed pharmacist shall not be permitted to possess controlled substances for any other purpose.
  - c. Record of distribution. All instances of professional distribution of controlled substances and drugs as provided for herein shall be recorded in suitable form and filed and preserved in a manner so as to be readily accessible for inspection by any law enforcement officer of the county.
  - d.
2. Any person shall be permitted to possess a controlled substance distributed or dispensed under the provisions of this chapter, but such possession and use must be in accordance with the prescription and prescribed treatment, and any such controlled substance may only be possessed in its original package, as prescribed by a pharmacist.
3. A person who is a licensed manufacturer, warehouseman, or wholesaler of controlled substances shall be permitted to possess controlled substances for the

purpose of wholesale delivery, compounding, preparation, and manufacture only, and the same shall only be resold to other persons permitted by this chapter to resell, or dispense or distribute controlled substances in the course of a licensed manufacturing or wholesale business, a licensed professional practice, or a licensed pharmaceutical business. A licensed manufacturer or wholesaler permitted to possess controlled substances in this subsection (3) may also be a licensed pharmacist and may dispense or distribute narcotic drugs upon written prescription as provided herein, but shall not consume or permit to be consumed any controlled substances except upon written prescription as herein provided.

4. Any drug, controlled substance, or imitation drug or imitation controlled substance in the possession of any person convicted of a violation of any provision of this chapter, shall be seized by, confiscated by, and forfeited to the Sheriff, who shall make proper disposition thereof.
5. This section shall not apply to the administering, distributing, or dispensing of any medicinal preparation that contains in one fluid ounce, or in a solid or semi-solid preparation administered, distributed, or dispensed, some drug or drugs of medicinal qualities in addition to those possessed by the controlled substances alone. Such preparation shall be administered, distributed, or dispensed in good faith and not for the purpose of evading this section. However, no person shall administer, dispense, or sell, under the exemption of this section, any preparation included in this subsection, when he/she knows, or can by reasonable diligence ascertain, that such administering, dispensing, or selling, will provide the person to whom or for whose use such preparation is administered, dispensed, or sold, within any forty-eight (48) consecutive hours, with more than four (4) grains of codeine or any of its salts.
6. The provisions of this section restricting the possession and control of controlled substances shall not apply to common carriers or warehousemen engaged in lawfully transporting or storing such controlled substances, or to any employee of such common carriers or warehousemen, or to public officers or employees in the performance of official duties requiring possession or controlled substances, or to persons aiding such officers or employees in performance of such duties.

(Ord. 4961, Eff. 04/10/17)

**5569. Drug Paraphernalia, Possession Prohibited.**

No person shall use or possess drug paraphernalia as defined in this chapter. (Ord. 4961, Eff. 04/10/17)

**5570. Drug Paraphernalia, Manufacture or Delivery Prohibited.**

No person shall deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia as defined in this chapter, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate,

grow, harvest, manufacture, compound, convert, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or imitation controlled substance. (Ord. 4961, Eff. 04/10/17)

5571. Drug Paraphernalia, Delivery to a Minor, Prohibited.

No person 18 years of age or over shall deliver drug paraphernalia, as defined in this chapter, to a person under 18 years of age. (Ord. 4961, Eff. 04/10/17)

5572. Imitation Drug or Imitation Controlled Substance, Delivery to Any Person, Prohibited.

No person shall deliver any imitation drug or imitation controlled substance to another person. (Ord. 4961, Eff. 04/10/17)

5573. Violation of an Ex Parte or Full Order of Protection.

- a. No person shall violate the terms or conditions of an *ex parte* or full order of protection entered by a court of the State of Missouri or of any other state, territory or possession of the United States, the Commonwealth of Puerto Rico or the District of Columbia.
- b. A certified copy of the *ex parte* or full order of protection shall be *prima facie* evidence of the existence and validity of the *ex parte* or full order of protection.
- c. Refusal of the person for whose benefit the *ex parte* or full order of protection was issued to sign a complaint or to testify shall not be a defense to a charged violation of this section. (Ord. 5226, Eff 6/13/2019)

5564. Tampering with a Motor Vehicle.

No person shall:

- a. Tamper or otherwise improperly interfere with, meddle with, displace, make unwarranted alterations to the existing condition of, or temporarily deprive the owner or possessor of, any motor vehicle, including any automobile, airplane, motorcycle, motorboat, and/or any other motor-propelled vehicle, of another, for the purpose of causing substantial inconvenience to that person or to another.
- b. Unlawfully ride in or upon another's motor vehicle as described in subsection a. of this section. (Ord. 5226, Eff 6/13/2019)

(Transferred from section 5547. by the Revisor pursuant to section 142.4.d of this code.)