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TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

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TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 200: POLICE PROVISIONS

SECTION 200.010: POLICE TRAINING REQUIREMENTS

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All newly appointed Law Enforcement shall be certified in accordance with Police Officers Standardization and Training Commission, Department of Public Safety as stated in Section 590.105, RSMo. (Ord. No. 1160 §§1-4, 10-10-94)

CHAPTER 205: FIRE DEPARTMENT

Cross References—Buildings, ch. 500; motor vehicles and traffic, Title III; solid waste, ch. 230; utilities, Title VII.

SECTION 205.010: ESTABLISHED—COMPOSITION

There is hereby organized and established a department to be known as the Fire Department of the City. The Fire Department shall consist of a Fire Chief, an Assistant Fire Chief, and not less than twelve (12) and not more than twenty (20) firefighters. There may be as many auxiliary firemen as may be deemed necessary. (CC 1989 §6-26; Ord. No. 444 §1, 4-1-35; Ord. No. 1426 §1, 11-17-03)

SECTION 205.020: FIRE CHIEF—APPOINTMENT

The Fire Chief shall be appointed by the Administrator and will report directly to the same. (CC 1989 §6-27; Ord. No. 444 §3, 4-1-35; Ord. No. 1426 §1, 11-17-03)

SECTION 205.030: FIRE CHIEF—GENERAL DUTIES—ASSISTANT FIRE CHIEF

The Fire Chief shall be the custodian and keeper of all apparatus, equipment and reports of the Fire Department.

- 11 He/she shall file yearly a list of all property on hand pertaining to the Fire Department with the City Clerk and shall account for the same on demand of the Administrator.
- A.2. He/she shall report the condition of the fire apparatus and make suggestions as to the needs of his/her department once yearly to the Administrator.
- A.3. He/she shall keep records on each reported call listing the time, location, type of call and the name of each fireman that physically reported to the call. Said report shall be turned in to the City Clerk within five (5) days of the reported incident.

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- A.4. He/she shall supply the City Clerk monthly with a safety meeting agenda and a signed list of the firemen that attended the meetings. (CC 1989 §6-28; Ord. No. 444 §2, 4-1-35; Ord. No. 1426 §1, 11-17-03) [Back to Index](#)

SECTION 205.040: FIRE CHIEF—APPOINTMENTS BY CHIEF

The Fire Chief shall select all persons for membership in the Fire Department and submit a list of their names and ages to the Administrator for approval or rejection. (CC 1989 §6-29; Ord. No. 444 §3, 4-1-35; Ord. No. 1426 §1, 11-17-03)

SECTION 205.045: COMPENSATION FOR RESPONDING TO CALLS

- B. The Fire Chief shall receive a regular salary of three hundred dollars (\$300.00) per year, ten dollars (\$10.00) per day (6:00 A.M. to 6:00 P.M.) calls, twelve dollars fifty cents (\$12.50) per night (6:00 P.M. to 6:00 A.M.) calls and twelve dollars fifty cents (\$12.50) for rescue calls that are inside the City limits.
- C. Assistant Fire Chief and volunteer firemen shall receive ten dollars (\$10.00) per day (6:00 A.M. to 6:00 P.M.) calls, twelve dollars fifty cents (\$12.50) per night (6:00 P.M. to 6:00 A.M.) calls and twelve dollars fifty cents (\$12.50) for rescue calls that are inside the City limits. (Ord. No. 1426 §1, 11-17-03)

SECTION 205.047: COMPENSATION FOR TRAINING/SAFETY MEETINGS

The Fire Chief, Assistant Fire Chief and firemen shall receive ten dollars (\$10.00) per meeting with a maximum of thirty-five (35) meetings per year to be paid. (Ord. No. 1426 §1, 11-17-03)

SECTION 205.050: INTOXICATED MEMBERS

Any member of the Fire Department responding to a call while in an intoxicated condition shall automatically be discharged. (CC 1989 §6-30; Ord. No. 444 §3, 4-1-35; Ord. No. 1426 §1, 11-17-03)

SECTION 205.060: GENERAL DUTIES

Each member of the Fire Department shall obey the orders of the Chief while engaged in extinguishing a fire or attending a fire drill. The Fire Department shall assemble or meet at least once every month and each member shall be present at such meeting. Each member shall attend any fire drill called by the Chief. The members of the Fire Department shall be prompt in answering fire alarms and attending fire drills. (CC 1989 §6-31; Ord. No. 444 §2, 4-1-35; Ord. No. 1426 §1, 11-17-03)

CHAPTER 210: ANIMALS

Cross Reference—Motor vehicles and traffic, Title III.

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SECTION 210.010: DEFINITIONS

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As used in this Chapter the following words shall have the meanings ascribed to them in this Section, unless the context otherwise indicates.

ANIMAL: Any animal, bird, fowl, or reptile within the City.

AT LARGE: Off the premises of the owner of such animal and not on a leash controlled by some person physically able to prevent the animal from escaping.

EUTHANASIA: To put to death in an approved humane manner, taking into account the circumstances necessitating the euthanasia and the need to protect the public health.

IMPOUND: Apprehend, seize, catch, trap, net, quarantine, tranquilize, or confine an animal in a humane manner.

OWNER: Any person owning, keeping, bringing in or harboring an animal within the corporate limits of the City.

STRAY: A dog without a collar with the owner's name and address and current rabies tag attached and whose owner can not be found after reasonable inquiries.

VICIOUS ANIMALS: Any animal which has attacked, bitten, or threatened to attack any person being in this City, or which habitually attacks other animals in this City provided that the same shall have occurred off the premises of the owner. (CC 1989 §4-1; Ord. No. 1110 §1, 2-8-93)

SECTION 210.020: KEEPING LIVESTOCK

No livestock, including fowl, except cattle and horses shall be kept in the City, and only in an agricultural zone pursuant to zoning ordinances. (CC 1989 §4-2; Ord. No. 1110 §2, 2-8-93)

SECTION 210.030: NUMBER OF ANIMALS ALLOWED

Any number of animals which exceed the number allowed by the City zoning regulations are prohibited. (CC 1989 §4-3; Ord. No. 1110 §3, 2-8-93)

SECTION 210.040: ANIMALS CREATING A NUISANCE—PROHIBITED

- A. Every owner of an animal shall keep it from creating a nuisance.
- B. An animal creates a nuisance if it:
 - B.1. Repeatedly soils, defiles, or defecates on property other than property of the owner.
 - B.2. Damages property belonging to a person other than a person responsible for the animal.
 - B.3. Causes unsanitary or dangerous conditions.

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- B.4. Causes a disturbance by barking, howling, meowing, or other noisemaking. [Back to Index](#)
- B.5. Chases motor vehicles and bicycles.
- B.6. Molests, threatens, attacks, bites or interferes with persons or other animals on public property or property not belonging to the person responsible for the animal.
- B.7. Impedes refuse collection, mail delivery, meter reading or other public service.
- B.8. Repeatedly tips, rummages through, or damages a refuse container.
(CC 1989 §4-4; Ord. No. 1110 §4, 2-8-93)

SECTION 210.050: ABANDONMENT OF ANIMALS

It shall be unlawful for any owner to abandon an animal within the corporate limits of the City.
(CC 1989 §4-5; Ord. No. 1110 §5, 2-8-93)

SECTION 210.060: VICIOUS ANIMALS

- A. It shall be unlawful for any person to keep, harbor or bring within this City any vicious animal, and suffer or permit the same to be or run at large upon any public street, sidewalk or thoroughfare, or on the premises of persons other than the owner, within the City.
- B. Any animal that has attacked, bitten or acted in a threatening manner toward any person in this City, or which habitually attacks other animals in this City, is declared to be vicious and may be impounded as provided in this Chapter.
- C. If a vicious animal or stray found running at large, in violation of this Chapter, cannot safely be taken up and impounded, the Cassville Police or such other employees or officers of the City as the Board of Aldermen may designate are authorized to kill the same.
(CC 1989 §4-6; Ord. No. 1110 §6, 2-8-93)

SECTION 210.070: COLLARS—IDENTIFICATION—RABIES TAG

- A. All dogs and cats shall wear a collar with the owner's name and address and a current metal tag as provided by a veterinarian noting the animal has been vaccinated against the disease of rabies.
- B. The owners of all dogs and cats within the City shall have in their possession a current certificate issued by a licensed doctor of veterinary medicine, certifying that the animal has been vaccinated against the disease of rabies.
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- C. Collars with the name and address are not required on dogs whose owners are non-residents temporarily within the City, nor to dogs brought into the City for the purpose of participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place,

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but a current certificate issued by a licensed doctor of veterinary medicine, certifying that such animal has been vaccinated against the disease of rabies must be possessed. [Back to Index](#)
(CC 1989 §4-7; Ord. No. 1110 §7, 2-8-93)

SECTION 210.080: ANIMAL NEGLECT—PENALTIES

- A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control, including, but not limited to, knowingly abandoning an animal in any place without making provisions for its adequate care which results in substantial harm to the animal.
- B. Animal neglect is a misdemeanor. All fines and penalties for a first conviction of animal neglect may be waived by the court provided that the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived.

SECTION 210.090: ANIMAL ABUSE—PENALTIES

- A. A person is guilty of animal abuse when a person:
 - A.1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo;
 - A.2. Purposely or intentionally causes injury or suffering to an animal; or
 - A.3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.
- B. Animal abuse is a misdemeanor.
- C. For purposes of this Section, "*animal*" shall be defined as a mammal.

SECTION 210.100: CERTAIN DOGS TO BE CONFINED

No female dogs in heat shall be allowed to run at large or upon the premises of one other than the owner. If such dog is found running at large in violation of this provision, it shall be taken up and impounded and shall not be released except upon the approval of the Chief of Police and after the payment of proper fees. Provided, however, that if the dog so found at large cannot be safely taken up and impounded and efforts to locate the owner are unsuccessful, such dog may be killed.
(CC 1989 §4-10; Ord. No. 1110 §10, 2-8-93)

SECTION 210.110: QUARANTINE OF ANIMALS

- A. *Order Of Quarantine Generally.* The Mayor shall have the power and authority, at any time deemed necessary for the protection of the public, health, welfare and safety, to issue an order to quarantine [Back to Index](#)

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and it shall be the duty of any person who owns, controls, possesses, keeps or has in custody any dog, cat or other animal subject to rabies to comply strictly with such quarantine order. [Back to Index](#)

- B. *Quarantine Of Dog, Cat Or Other Animal.* Owners of a dog, cat or other animals subject to rabies hereof, which has bitten a person or another animal, or which acts in a suspicious manner suggesting rabies, or which is viciously inclined, upon receipt of written notice from the Cassville Police Department or such other employees or officers of the City as the Board of Aldermen may designate, shall deliver such animal to a licensed veterinarian for impoundment of such animal for a period of ten (10) days for rabies observation. Such dog, cat or other animal so impounded or quarantined shall be kept in such manner that neither human beings nor other animals can be bitten during such period of observation. (CC 1989 §4-12; Ord. No. 1110 §12, 2-8-93; Ord. No. 1421 §1, 9-15-03)

SECTION 210.120: IMPOUNDMENT

- A. The Cassville Police Department, or such other employees or officers of the City as the Board of Aldermen may designate, are authorized and directed to take into their possession any animal deemed a stray or which presents a threat to the health and welfare of the City or which is repeatedly in violation of Section 210.020.
- B. Animals deemed as strays or which present a threat to the health and welfare of the City and which cannot be safely taken up and impounded may be killed.
- C. Animals taken up for impoundment shall be impounded in the City pound to be designated by the Mayor of the City and there held for no more than three (3) days. If the owner of the animal so impounded does not appear and claim it within the three (3) day period of impoundment, it shall be destroyed or sold. (CC 1989 §4-13; Ord. No. 1110 §13, 2-8-93)

SECTION 210.130: REDEMPTION OF IMPOUNDED ANIMALS

Any owner claiming an animal that has been impounded under this Chapter shall pay to the City or to the person maintaining the pound under the direction of the Mayor a fee for each day the animal has been impounded. In addition thereto the owner shall, before removing any dog, cat or other animal subject to rabies have the same immunized against rabies and shall pay the customary fee charged by the veterinarian for immunization. All impoundment fees and any other fees along with the owner's name and address will be obtained prior to the release of the animal. Vicious animals shall not be released unless the animal is euthanized or arrangements made for the animal to not be returned to the City. Any vicious animal which has been previously impounded shall be destroyed without further notice. (CC 1989 §4-14; Ord. No. 1110 §14, 2-8-93)

SECTION 210.140: VIOLATION IS AN OFFENSE

- A. Any owner of an animal, or any person in charge of or having custody and control of an animal, who shall violate any provision of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) plus court costs and any impoundment or other fees relating to the animal. [Back to Index](#)

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- B. Each and every occurrence shall be an additional violation and a separate offense subject to fine. (CC 1989 §4-15; Ord. No. 1110 §15, 2-8-93) [Back to Index](#)

CHAPTER 215: OFFENSES

ARTICLE I. OFFENSES AGAINST THE PERSON

SECTION 215.010: ASSAULT

A person commits the offense of assault if:

- B.1. He/she attempts to cause or recklessly causes physical injury to another person; or
- B.2. With criminal negligence he/she causes physical injury to another person by means of a deadly weapon; or
- B.3. He/she purposely places another person in apprehension of immediate physical injury; or
- B.4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
- B.5. He/she knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

SECTION 215.020: ASSAULT OF A LAW ENFORCEMENT OFFICER

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

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

SECTION 215.025: DOMESTIC ASSAULT 3RD DEGREE

- A. *Definitions.* As used in this Section, the following words shall have the meanings ascribed to them unless the context otherwise indicates.

ADULT: Any person eighteen (18) years of age or older or otherwise emancipated. [Back to Index](#)

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ASSAULT: Purposely or knowingly placing or attempting to place another in fear of physical harm.

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FAMILY OR HOUSEHOLD MEMBER: Spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim and adults who have a child in common regardless of whether they have been married or have resided together at any time.

- B. A person commits the crime of domestic assault in the third degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship or a romantic or intimate nature with the actor as defined in Section 455.010, RSMo., and:
- B.1. The person attempts to cause or recklessly causes physical injury to such family or household member; or
 - B.2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or
 - B.3. The person purposely places such family or household members in apprehension of immediate physical injury by any means; or
 - B.4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or
 - B.5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
 - B.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.
- C. The crime of domestic assault in the third degree is a Class A misdemeanor. (Ord. No. 1432 §1, 1-19-04)

SECTION 215.030: HARASSMENT

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

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

SECTION 215.040: FALSE IMPRISONMENT

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

SECTION 215.050: ENDANGERING THE WELFARE OF A CHILD

- A. A person commits the offense of endangering the welfare of a child if:
- A.1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;
 - A.2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo;
 - A.3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo; or
 - A.4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

ARTICLE II. OFFENSES CONCERNING ADMINISTRATION OF JUSTICE

SECTION 215.060: CONCEALING AN OFFENSE

A person commits the offense of concealing an offense if:

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

SECTION 215.070: HINDERING PROSECUTION

A person commits the offense of hindering prosecution if for the purpose of preventing the apprehension, prosecution, conviction or punishment of another for conduct constituting a crime he: [Back to Index](#)

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- .1. Harbors or conceals such person; or [Back to Index](#)
- .2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or
- .3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
- .4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

SECTION 215.080: REFUSAL TO IDENTIFY AS A WITNESS

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

SECTION 215.090: DISTURBING A JUDICIAL PROCEEDING

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

SECTION 215.100: TAMPERING WITH A WITNESS—TAMPERING WITH A VICTIM

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

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

SECTION 215.110: IMPROPER COMMUNICATION

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

SECTION 215.120: FALSE IMPERSONATION

A person commits the offense of false impersonation if he:

- 1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
 - B.3.a. Performs an act in that pretended capacity; or
 - B.3.b. Causes another to act in reliance upon his/her pretended official authority; or
- 2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon such representation.

SECTION 215.130: 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 offense; or
 - A.2. Makes a false report to a Law Enforcement Officer that a crime or offense 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. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon. [Back to Index](#)

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- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section. [Back to Index](#)

SECTION 215.140: 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/she:
- A.1. Resists the arrest of himself/herself 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, offense 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.

SECTION 215.150: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY

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

SECTION 215.160: UNLAWFUL INTERFERENCE WITH POLICE DOG

No person shall willfully and maliciously taunt, torment, tease, beat, strike, endanger or administer any desensitizing drugs, chemicals or substance to any dog used by a Law Enforcement Officer in the performance of his/her functions or duties, or when such dog is placed in a kennel or stable off duty, nor shall any person interfere or meddle with any such dog used by a Law Enforcement Officer or any handler thereof in the performance of the functions of the officer or handler. Any person violating this Section is guilty of a misdemeanor. (Ord. No. 95-1186 §1, 11-13-95)

Cross Reference—As to other animal regulations, see ch. 210.

SECTION 215.170: UNLAWFUL INJURY TO POLICE DOG

No person shall willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog used by a Law Enforcement Officer when such dog is performing the functions or duties of such officer, or when such dog is placed in a kennel or stable off duty. However, a Law Enforcement Officer who is the owner or master, or a veterinarian may perform euthanasia on such dog in emergency situations when delay would cause the dog undue suffering and pain. Any person violating this Section is guilty of a misdemeanor. (Ord. No. 95-1186 §2, 11-13-95) [Back to Index](#)

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Cross Reference—As to other animal regulations, see ch. 210.

ARTICLE III. OFFENSES CONCERNING PUBLIC SAFETY

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SECTION 215.180: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS

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

SECTION 215.190: LITTERING

A person commits the offense of littering if he/she throws or places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or State Highway or on or in any of the waters in this City or on the banks of any stream, or on any land or water owned, operated or leased by the State, any Board, Department, Agency or Commission thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.

SECTION 215.200: LITTERING VIA CARCASSES

- A. If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond, or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than 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 (\$500.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second (2nd) offense against the provisions of this Section.

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SECTION 215.210: CORRUPTING OR DIVERTING WATER SUPPLY

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Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or City for their use, shall be adjudged guilty of a misdemeanor, and punished by a fine not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00), or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law.

SECTION 215.220: ABANDONING MOTOR VEHICLE

A person commits the offense of abandoning a motor vehicle if he/she abandons any motor vehicle on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream, or on any land or water owned, operated or leased by the State, any Board, Department, Agency or Commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.

SECTION 215.230: FIREWORKS—REGULATIONS

- A. *Definitions.* The term "*fireworks*," as used in this Section means firecrackers, torpedoes, bombs, squibs, rockets, spin-wheels, sparklers, fire balloons, Roman candles, dynamite or other things containing any substance of an explosive nature designed or intended to be used as fireworks.
- B. *Sale Prohibited.* It shall be unlawful for any person to sell or expose for sale, in the City, fireworks in any quantity.
- C. *Use Prohibited.* It shall be unlawful for any person to set off, fire, discharge or explode any fireworks within the City. (CC 1989 §§6-66—6-68; Ord. No. 465 §§1—2, 4, 7-1-35)

ARTICLE IV. OFFENSES CONCERNING PUBLIC PEACE

SECTION 215.240: PEACE DISTURBANCE

A person commits the offense of peace disturbance if:

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

C.1.a. Loud noise; or

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C.1.b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or [Back to Index](#)

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

C.1.d. Fighting;

C.1.e. Creating a noxious and offensive odor; or

f. Loud and excessive motor vehicle noise.

C.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:

C.2.a. Vehicular or pedestrian traffic; or

C.2.b. The free ingress or egress to or from a public or private place.
(Ord. No. 98-1266 §1, 12-7-98)

SECTION 215.250: PRIVATE PEACE DISTURBANCE

A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

- .1. Threatening to commit a crime or offense against any person; or
- .2. Fighting.

SECTION 215.260: PEACE DISTURBANCE DEFINITIONS

For the purposes of Sections 215.240 and 215.250 the following words shall have the meanings set out herein:

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

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

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

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

SECTION 215.261: DISORDERLY CONDUCT

A persons commits the offense of disorderly conduct if, with the purpose to cause public inconvenience, annoyance, or alarm or recklessly creating the risk thereof, he/she: [Back to Index](#)

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- .1. Engages in fighting or in violent threatening, or tumultuous behavior; [Back to Index](#)
- .2. Makes unreasonable or excessive noise;
- .3. In a public place, uses abusive or obscene language, or makes an obscene gesture, in a manner likely to provoke a violent or disorderly response;
- .4. Disrupts or disturbs any lawful assembly or meeting of persons;
- .5. Obstructs vehicular or pedestrian traffic;
- .6. Congregates with two (2) other persons in a public place and refuses to comply with a lawful order to disperse of a Law Enforcement Officer or other person engaged in enforcing or executing the law;
- .7. In a public place urinates or defecates; or
- .8. Appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree and under circumstances such that he/she is likely to endanger himself/herself or other persons or property, or that he/she unreasonably annoys persons in his/her vicinity.
(Ord. No. 97-1224 §1, 4-21-97)

SECTION 215.262: DISORDERLY CONDUCT DEFINITIONS

For the purpose of Section 215.261 the following words shall have the meanings set out herein:

OBSCENE: To the average person, applying contemporary community standards, the dominant theme of the act or language is considered offensive or is likely to provoke a violent or angry reaction.

OBSCENE GESTURE: Any hand or other gesture which is considered obscene or is likely to provoke a violent or angry reaction.

PUBLIC PLACE: A publicly or privately owned place to which the public or a substantial number of people have access. (Ord. No. 97-1224 §1, 4-21-97)

SECTION 215.270: WEAPONS—CARRYING CONCEALED—OTHER UNLAWFUL USE

- A. A person commits the offense of unlawful use of weapons if he/she knowingly:
1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use.
 2. Discharges or shoots a firearm within the City limits.
 3. Possesses a firearm or projectile weapon while intoxicated.
 4. Carries a firearm or any other weapon readily capable of lethal use. [Back to Index](#)

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- B. Subparagraphs (1), (2) and (4) of Subsection (A) of this Section shall not apply to or affect any of the following: [Back to Index](#)
1. All State, County and Municipal Law Enforcement Officers possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of counties or municipalities of the State, or any person summoned by such Officers to assist in making arrests or preserving the peace while actually engaged in assisting such Officer;
 2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 3. Members of the Armed Forces or National Guard while performing their official duty;
 4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal Judiciary;
 5. Any person whose bona fide duty is to execute process, civil or criminal;
 6. Any Federal Probation Officer; and
 7. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.
- C. Subparagraphs (1), (3) and (4) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through the City.

SECTION 215.275: CONCEALED WEAPONS POLICY

- A. *Definition Of Weapon.* As used in this Section, the following words shall have the meanings ascribed to them in this Section:

ENDORSEMENT HOLDER: A person who holds an endorsement as set forth in Section 571.094, RSMo., which allows that person to carry a concealed weapon or a person who holds a permit to carry a concealed weapon from another jurisdiction.

WEAPON: A knife (blade in excess of three and one-half (3½) inches), firearm, a blackjack or any other weapon readily capable of lethal use.

- B. No person shall carry a concealed weapon within the corporate limits of the City of Cassville, except those persons who have been issued an endorsement holder as described in Section 571.101 to 571.121, RSMo. No person, including an endorsement holder, may carry a concealed weapon:

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B.1. Into 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 criminal offense so long as the firearm is

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not removed from the vehicle or brandished while the vehicle is on the premises. The Chief of Police is hereby designated as the Chief Law Enforcement Officer for the City of Cassville for the purposes of this Section, except the Sheriff's office, County Jail, Barry County Courthouse and Barry County Judicial Center for which the Sheriff of Barry County is designated the Chief Law Enforcement Officer. [Back to Index](#)

- B.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 criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 - B.3. Into any courthouse solely occupied by the Circuit Court or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subparagraph shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subparagraph are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court rule pursuant to Subparagraph (6) of this Subsection. Nothing in this Subparagraph shall preclude those persons listed in Subparagraph (1) of Subsection (2) of Section 571.030, RSMo., while within their jurisdiction and on duty, those persons listed in Subparagraphs (2) and (4) of Subsection (2) of Section 571.030, RSMo., or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court rule pursuant to Subparagraph (6) of this Subsection from carrying a concealed firearm within any of the areas described in this Subparagraph. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subparagraph shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 - B.4. Into any meeting of the City Council, except that nothing in this Subparagraph shall preclude a member of the City Council holding a valid concealed carry endorsement from carrying a concealed firearm at a meeting of the City Council. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 - B.5. Into any meeting of the Planning and Zoning Board, Board of Adjustments, Park Board or Airport Board of the City of Cassville, except that nothing in this Subparagraph shall preclude a member of the Board, holding a valid concealed carry endorsement, from carrying a concealed firearm at a meeting of the Board.
- C. Concealed weapons are prohibited in:
- C.1. All buildings owned by the City of Cassville or any portion of a building leased or controlled by the City of Cassville. [Back to Index](#)
 - C.2. Any establishment licensed to dispense intoxicating liquor or non-intoxicating beer for consumption on the premises, which portion is primarily devoted to that purpose without the consent of the owner or manager. The provisions of this Subparagraph shall not apply to the licensee of said establishment. The provisions of this Subparagraph shall not apply to any bona fide restaurant open to the general public having dining facilities for no less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subparagraph does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the

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premises. Nothing in this Subparagraph authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated. [Back to Index](#)

- C.3. The City airport premises. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- C.4. Any place where the carrying of a firearm is prohibited by Federal law.
- C.5. Any higher education institution without the consent of the administrator of the facility. Any elementary or secondary school facility or grounds without the written consent of the Board of Education of the Cassville School District. 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 criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- C.6. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subparagraph shall prevent the operator 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.
- C.7. Any park owned, leased or possessed by the City of Cassville including, but not limited to, the Downtown Park, the South Park, the Greenway Trail and the Aquatic Park. Possession of a firearm in a vehicle on the premises of the park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- C.8. Any church or other place of religious worship without the consent of the 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 criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- C.9. Any private property whose owner has posted the premises as being off limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise or any other organization, entity or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises is open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer.
- C.10. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. [Back to Index](#)

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- D. No employee of the City of Cassville, except Police Officers and such other persons as may be authorized by the City Administrator, shall carry any weapon, as defined in Subsection (A) of this Section, on City property or in any City vehicle. [Back to Index](#)
- E. Any person who carries a concealed weapon in a location prohibited by this Section who has an endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a permit to carry a concealed weapon issued by another State onto premises where prohibited and refuses to leave the premises shall be in violation of this Section and shall be subject to a fine not to exceed one hundred dollars (\$100.00) for the first (1st) offense. If a second (2nd) citation for a similar violation occurs within a six (6) month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third (3rd) citation for a similar violation is issued within one (1) year of the first (1st) citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00).
- F. Upon conviction of charges arising from a citation issued pursuant to this Subsection, the court shall notify the Sheriff or the County which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue. (Ord. No. 1423 §§1-6, 11-3-03)

SECTION 215.280: DISCHARGING AIR GUN, ETC.

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

SECTION 215.290: UNLAWFUL ASSEMBLY

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

SECTION 215.300: RIOTING

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

SECTION 215.310: REFUSAL TO DISPERSE

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

SECTION 215.320: LOUDSPEAKERS-SOUND SYSTEMS

- A. The term "*sound system*" as used in this Section shall mean any radio, jukebox, or any mechanical device used for the purpose of creating and transmitting sound, whether musical or otherwise.

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- B. It shall be unlawful for any person, without a permit from the City, to operate a loudspeaker or sound system, whether mechanical, electrical or otherwise, upon the streets of the City, or within the City limits, so that the sound therefrom may be heard and distinguished for a distance of more than one hundred (100) feet from the place where such loudspeaker or sound system is situated. (CC 1989 §11-23; Ord. No. 522 §§1-2, 9-6-43) [Back to Index](#)

ARTICLE V. OFFENSES CONCERNING PROPERTY

SECTION 215.330: 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 Subparagraph (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one or more of the effects described in Subparagraph (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.

SECTION 215.340: PROPERTY DAMAGE

A person commits the offense of property damage if:

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

SECTION 215.350: CLAIM OF RIGHT

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

SECTION 215.360: TRESPASS IN THE FIRST DEGREE

- A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
- B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
 - B.1. Actual communication to the actor; or
 - B.2. Posting in a manner reasonably likely to come to the attention of intruders.

SECTION 215.370: TRESPASS IN THE SECOND DEGREE

- A. A person commits the offense of trespass in the second degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability.
- B. Trespass in the second degree is an infraction.

SECTION 215.380: RECKLESS BURNING OR EXPLODING

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

SECTION 215.390: NEGLIGENT BURNING OR EXPLODING

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

SECTION 215.400: STEALING

- A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.
- B. Evidence of the following is admissible in any prosecution under this Section on the issue of the requisite knowledge or belief of the alleged stealer that: [Back to Index](#)

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- B.1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house; [Back to Index](#)
- B.2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;
- B.3. He/she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
- B.4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boardinghouse.

SECTION 215.410: RECEIVING STOLEN PROPERTY

- A. A person commits the offense of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.
- B. Evidence of the following is admissible in any criminal prosecution under this Section to prove the requisite knowledge or belief of the alleged receiver that:
 - B.1. He/she was found in possession or control of other property stolen on separate occasions from two or more persons;
 - B.2. He/she received other stolen property in another transaction within the year preceding the transaction charged;
 - B.3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value.

SECTION 215.420: DECEPTIVE BUSINESS PRACTICE

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

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

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SECTION 215.430: ALTERATION OR REMOVAL OF ITEM NUMBERS WITH INTENT TO DEPRIVE LAWFUL OWNER [Back to Index](#)

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

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

SECTION 215.440: FAILURE TO RETURN RENTED PERSONAL PROPERTY— ENFORCEMENT PROCEDURE—PENALTY—VENUE

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

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motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation. [Back to Index](#)

- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement, or within ten days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 215.430 in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.

SECTION 215.450: POSSESSION AND THROWING OF EGGS AT CERTAIN TIMES AND PLACES

- A. For purposes of this Section, "eggs" shall be defined as chicken eggs or any other eggs from fowl or birds.
- B. It shall be unlawful for any person to possess eggs on the public streets, highways, parks or school grounds within the corporate limits of the City between 3:00 P.M. on October thirtieth (30th) of each calendar year until 6:00 A.M. on November first (1st) of each calendar year.
- C. No person shall throw or attempt to throw eggs at any other person or property of another person or anywhere on the public streets, parking lots, parks or school grounds within the corporate limits of the City.
- D. Violation of this Section shall be a misdemeanor. (CC 1989 §11-25; Ord. No. 1063 §§1-5, 10-8-90; Ord. No. 1064 §§1-4, 10-17-90)

ARTICLE VI. OFFENSES CONCERNING PROSTITUTION AND MORALS

SECTION 215.460: ARTICLE DEFINITIONS

As used in this Article, the following terms mean:

PATRONIZING PROSTITUTION: A person patronizes prostitution if

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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; or [Back to Index](#)
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.

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; or
2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person; or
3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one (1) person by another, done for the purpose of arousing or gratifying sexual desire of either party.

SOMETHING OF VALUE. Money or property, or any token, object or article exchangeable for money or property.

SECTION 215.470: PROSTITUTION

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

SECTION 215.480: PATRONIZING PROSTITUTION

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

SECTION 215.490: 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.

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SECTION 215.500: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES [Back to Index](#)

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 215.460 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.
- D. Appeals shall be allowed from the judgment of the court as in other civil actions.

SECTION 215.510: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

A person commits the offense of indecent exposure (sexual misconduct) 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.

ARTICLE VII. OFFENSES CONCERNING PORNOGRAPHY

SECTION 215.520: DEFINITIONS

When used in this Article the following terms shall have the meanings set out herein:

FURNISH: To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

MATERIAL: Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or anything

which is or may be used as a means of communication. "*Material*" includes undeveloped photographs, molds, printing plates and other latent representational objects.

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

NUDITY: The showing of post-pubertal human genitals or pubic area, with less than a fully opaque covering.

OBSCENE: Any material or performance is obscene if:

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1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and [Back to Index](#)
2. Taken as a whole with the average person, applying contemporary community standards, it depicts or describes sexual conduct in a patently offensive way; and
3. Taken as a whole, it lacks serious literary, artistic, political or scientific value.

PERFORMANCE: Any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more.

PORNOGRAPHIC FOR MINORS: Any material or performance is pornographic for minors if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and
2. The material or performance depicts or describes nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
3. The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

PROMOTE: To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.

SADOMASOCHISTIC ABUSE: Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEXUAL CONDUCT: Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

SEXUAL EXCITEMENT: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

SECTION 215.530: PROMOTING PORNOGRAPHY

A person commits the offense of promoting pornography for minors or obscenity if, knowing its content or character, he:

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain; or
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain; or
3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or [Back to Index](#)

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4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain.

SECTION 215.540: FURNISHING PORNOGRAPHIC MATERIALS TO MINORS

A person commits the offense of furnishing pornographic material to minors if, knowing its content and character, he:

1. Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor.
2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance.

ARTICLE IX. OFFENSES CONCERNING DRUGS

Cross Reference—As to possession, purchases, etc. of alcohol by minors, see § 600.060 of this Code.

SECTION 215.550: POSSESSION OF MARIJUANA

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

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

- B. Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control thirty-five (35) grams or less of marijuana as defined in Subsection (A) hereof.

SECTION 215.560: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE

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

SECTION 215.570: UNLAWFUL USE OF DRUG PARAPHERNALIA

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It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound,

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convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo.

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**SECTION 215.580: INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES
TO CAUSE CERTAIN REACTIONS, PROHIBITED—EXCEPTIONS**

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

**SECTION 215.590: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS
BY USE OF SOLVENTS, PROHIBITED**

- A. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use of any solvent, particularly toluol.
- B. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by Section 215.580 and this Section.

SECTION 215.600: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED—VIOLATIONS OF SECTIONS 215.580 TO 215.600—PENALTY

- A. No person shall intentionally possess or buy any solvent, particularly toluol, for the purpose of inducing or aiding any other person to violate the provisions of Sections 215.580 and 215.600 hereof.
- B. Any person who violates any provision of Sections 215.580—215.600 is guilty of a misdemeanor.

ARTICLE IX. OFFENSES CONCERNING MINORS

SECTION 215.610: CURFEW FOR MINORS

A curfew is hereby established in the City as follows: All minors under the age of seventeen (17) shall depart from the streets and other public places in the City, unless accompanied by their parents, and shall not be at such locations, between the hours of 12:00 Midnight and 6:00 A.M.

(CC 1989 §11-22; Ord. No. 710 § 1, 8-25-60)

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ARTICLE X. MISCELLANEOUS OFFENSES

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SECTION 215.620: ERECTION OR MAINTENANCE OF BARBED WIRE OR ELECTRICALLY CHARGED FENCES

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

SECTION 215.630: BURNING IN THE PUBLIC RIGHTS-OF-WAY—PROHIBITED

- A. It shall be unlawful for any person to burn any item in the public right of ways in the City of Cassville.
- B. Violation of this Section shall be a misdemeanor. (Ord. No. 1139 §§1–2, 12-13-93)

SECTION 215.640: CONDUCT AT AIRPORT

- A. It shall be unlawful for any person to operate any motor vehicle upon the airstrip at the Cassville Municipal Airport at any time, with the exception of necessary maintenance vehicles authorized by the City.
- B. It shall be unlawful for any person to litter property owned by the City by depositing or throwing any trash, litter, or debris upon the Cassville Municipal Airport.
- C. It shall be unlawful for any person to trespass upon the airstrip at Cassville, Missouri, or to obstruct such airstrip in any manner or with any object at any time, with the exception of customary use by aircraft.
- D. A violation of this Section is a misdemeanor. (CC 1989 §11-21; Ord. No. 880 §§1–3, 7-13-76)

SECTION 215.650: LOITERING

- A. *Prohibited.* It shall be unlawful for persons to intentionally congregate upon the grounds or within the buildings of a commercial establishment, schools, places of public business, or upon public ways immediately adjacent thereto. No person shall sit on the top, roof, hood, fender or windows of a motor vehicle; and no persons shall congregate in crowds of three (3) or more outside vehicles on business premises when such persons are not transacting business on the premises. [Back to Index](#)

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- B. *Presumption Of Intent To Congregate Unlawfully.* If any group of persons shall be congregated so as to block the aisles, doorways or other passageways into, out of or through such grounds or buildings and they shall be ordered by the manager or other person in charge of such commercial establishment to move on, and they shall fail or refuse to do so, it shall be prima facie proof of their intent to unlawfully congregate under the provisions of this Section. [Back to Index](#)
- C. *Sleeping—Resting On Commercial Establishment Premises.* No person shall sleep or rest in any area of a commercial establishment, school, or place of public business unless such area is designated for sleeping or resting, except with consent of the owner or proprietor of such premises. (Ord. No. 98-1255 §1, 6-1-98)

SECTION 215.660: CITY PARKS—HOURS OF OPERATION

- A. The City parks of the City of Cassville shall be closed during the hours of 10:00 P.M. through 6:00 A.M. except during special events sponsored by the City of Cassville Parks and Recreation Department or by the approval of the City Administrator or his/her designee.
- B. It shall be unlawful for any person to enter upon or congregate in the City parks during said hours of closure.
- C. Subsections (A) and (B) shall not apply to the basketball, tennis courts or sand volleyball courts.
- D. Violation of this Section shall constitute a misdemeanor. (Ord. No. 2000-1325 §1, 3-5-01)

CHAPTER 220: NUISANCES

ARTICLE I. GENERALLY

SECTION 220.010: DEFINITION

Whatever is dangerous to human life or health, and whatever renders the soil, air, water or food impure or unwholesome, is hereby declared to be a nuisance. (CC 1989 §11-66; Ord. No. 810 §1, 5-9-67)

SECTION 220.020: ABATEMENT—COSTS

- E. In addition to the penalty provided for a violation of this Code, the Municipal Judge, or other judge of a court of competent jurisdiction trying a case under this Article, upon conviction as a part of the judgment may order the Chief of Police to abate a nuisance, and the costs of abating such nuisance shall be made a part of the costs of the case.
- F. In case the Chief of Police abates the nuisance and such costs are not paid, he/she shall file a report of the same in the office of the City Clerk in writing, and the filing of the same shall be notice to all persons. [Back to Index](#)

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- G. Such report shall be submitted to the Board of Aldermen at its first (1st) regular meeting thereof, after it has been on file for five (5) days. [Back to Index](#)
- H. The person against whom such costs have been adjudged shall have the right to be heard, and if the report is approved by the Board, it may direct the City Clerk to issue a special tax bill for such amount as is approved by the Board against the property on which such nuisance was abated. Such tax bill shall be a lien against such property in like manner as for street improvements. (CC 1989 §11-67; Ord. No. 810 §5, 5-9-67)

SECTION 220.030: NUISANCE PROHIBITED

It shall be unlawful for any person to carry on, permit or maintain any of the acts, things or conditions declared and defined in this Article or by the laws of the State, to be a nuisance. (CC 1989 §11-68; Ord. No. 810 §2, 5-9-67)

SECTION 220.040: ENUMERATED

The following are hereby deemed, declared and defined to be nuisances:

- .1. All substances which emit or cause any foul, noxious, unhealthy or disagreeable odor in the neighborhood where they exist.
- .2. Every soap factory, cellar, shop, meat shop, stable, house, barn, or other building or structure which emits or causes any offensive odor or disagreeable or noxious smell.
- .3. All slop, foul or dirty water, all filth, refuse, or offal discharged through drains, spouts, or otherwise, swept or thrown upon any sidewalk, street, alley, lot, park, public or private enclosure, or any stagnant pond or pool of water.
- .4. All articles or things kept, caused, maintained or permitted by any person to the injury, inconvenience, or annoyance of the public or any neighborhood.
- .5. All ashes, cinders, filth, excrement, sawdust, stones, rock, dirt, straw, soot, stocks, shavings, cans, dust, paper, trash, rubbish, manure, refuse, waste matter, decayed fruit or vegetables, old iron or other metals, old wearing apparel, and any other offensive or disagreeable matter, substance or thing thrown, left or deposited or caused to be thrown, left or deposited upon any street, avenue, alley, sidewalk, public or private enclosure, lot, vacant or occupied, or pond or pool of water that is stagnant.
- .6. All boxes, barrels, kegs, crates, boards, broken ware, metal from any source, parts of wrecked automobiles, used motor vehicles in disrepair, parts of used automobiles left or thrown upon any sidewalk, curbstone or gutter or in front, alongside or in the rear of any building, or upon any lot or vacant lot.
- .7. The burning within the City limits of any animal, vegetable, or other substance, the burning of which, creates or generates any disagreeable, noxious or unwholesome smell or odor.
- .8. Any toilet in such condition as to be offensive, annoying or disagreeable.

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- .9. The accumulation on any lot or piece of ground in the City of any refuse matter in such manner as to be offensive, annoying or disagreeable. [Back to Index](#)
- .10. The placing or maintenance of any obstruction of any kind in any natural watercourse in the City so as to impede the natural flow of water therein.
- .11. All oil, used motor oil, drainage from crankcases of any motor vehicle left or deposited, or permitted to drain or run from private property in or upon any sidewalk, street, alley, highway, or drainage ditch upon any street, alley, avenue, highway or private enclosure, lot, or vacant or occupied property of another.
- .12. Any building, structure, or enclosure which is permitted to be kept in such condition as to be offensive, annoying or disagreeable to any person.
(CC 1989 §11-69; Ord. No. 810 §3, 5-9-67)

SECTION 220.050: OTHER NUISANCES

In all cases wherein no provisions are made in this Article defining what are nuisances and how the same may be removed, abated or prevented, in addition to what may be declared herein as such, those offenses which are known to the common law and the Statutes of the State as nuisances may, in case the same exist within the City limits, be treated as such and proceeded against as in this Article provided, or in accordance with the provisions of law.
(CC 1989 §11-70; Ord. No. 810 §4, 5-9-67)

ARTICLE II. WEEDS

SECTION 220.060: NUISANCE DECLARED

Weeds allowed to stand or grow upon any lot or tract of land in the City are hereby deemed and declared to be a menace to the health and a nuisance. (CC 1989 §11-86; Ord. No. 799 §1, 7-7-66)

SECTION 220.070: HEIGHT

Any owner or occupant of a lot or tract of land in the City failing to keep the weeds thereon cut to a height of less than eighteen (18) inches, shall be guilty of a misdemeanor.
(CC 1989 §11-87; Ord. No. 799 §2, 7-7-66)

SECTION 220.080: CITY MAY CAUSE REMOVAL AND ISSUE TAX BILL

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Whenever weeds, in violation of this Article, are allowed to grow on any part of any lot or ground within the City, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The Chief of 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/her 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 City Collector,

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with other taxes assessed against the property. 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 City Collector on or before the first (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum. (CC 1989 §11-88; Ord. No. 799 §§3-6, 7-7-66) [Back to Index](#)

CHAPTER 225: EMERGENCY MANAGEMENT AGENCY

SECTION 225.010: ESTABLISHMENT

There is hereby created, within and for the territory of the City of Cassville, an emergency management organization to be known as the Cassville Emergency Management Agency, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and the Missouri Emergency Operations Plan adopted thereunder. (CC 1989 §2-186; Ord. No. 988 §1, 11-11-85)

SECTION 225.020: ORGANIZATION

The Emergency Management Agency shall consist of a Director and other members appointed by the Mayor to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan. (CC 1989 §2-187; Ord. No. 988 §2, 11-11-85)

SECTION 225.030: FUNCTIONS

The Emergency Management Agency shall perform emergency management functions within the territorial limits of the City and may conduct these functions outside the territorial limits as directed by the Governor during times of emergency pursuant to the provisions of Chapter 44, RSMo. (CC 1989 §2-188; Ord. No. 988 §3, 11-11-85)

SECTION 225.040: DIRECTOR

- A. The Director will be appointed by the Mayor with the approval of the Board of Aldermen and shall serve at the pleasure of the Mayor.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management activities, subject to the direction and control of the Mayor or Board of Aldermen.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Agency. (CC 1989 §2-189; Ord. No. 988 §4, 11-11-85) [Back to Index](#)

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SECTION 225.050: EXECUTIVE OFFICER

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The Mayor of the City of Cassville and the Director, in accordance with Chapter 44, RSMo., 1978 and supplements thereto, may:

- .1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons, including emergency assistance to victims of any enemy attack; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of Federal and State disaster and emergency planning;
- .2. Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operation teams, units or personnel who may serve without compensation;
- .3. In the event of enemy attack, waive the provisions of statutes requiring advertisements for bids for the performance of public work or entering into contracts;
- .4. With the approval of the Governor 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;
- .5. With the approval of the Governor, accept services, materials, equipment, supplies or funds granted or loaned by the Federal Government for disaster planning and operations purposes. (CC 1989 §2-190; Ord. No. 988 §5, 11-11-85)

SECTION 225.060: OATH

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

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such a time as I am a member of the Cassville Emergency Management Agency, 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. 988 §6, 11-11-85)

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SECTION 225.070: OFFICE SPACE

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The Mayor is authorized to designate space in any owned or leased building for the Cassville Emergency Management office. (CC 1989 §2-191; Ord. No. 988 §7, 11-11-85)

CHAPTER 230: SOLID WASTE

Cross References—Utilities, Title VII.

SECTION 230.010: DEFINITIONS

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

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

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

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

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

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

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

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

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

PERSON: Any individual, partnership, corporation, association, institution, city, county, other political subdivision, authority, state agency or institution, or federal agency or institution.

REFUSE: "Solid waste", as defined in this Section.

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SOLID WASTE: Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting. [Back to Index](#)

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

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

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

YARD WASTES: Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.
(CC 1989 §12-1; Ord. No. 867 §1, 6-26-73)

SECTION 230.020: VIOLATIONS

Any person violating any of the provisions of this Chapter, or any lawful rules or regulations promulgated pursuant hereto, shall be guilty of a misdemeanor.
(CC 1989 §12-2; Ord. No. 867 §18, 6-26-73)

SECTION 230.030: EXCEPTIONS

Excepted from the terms of this Chapter is the removal, hauling or disposal of earth and rock material from grading or excavation activities or demolition or construction activities; however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
(CC 1989 §12-3; Ord. No. 867 §13, 6-26-73)

SECTION 230.040: CONTAINERS

- A. The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and construction waste to serve each such dwelling unit and/or establishment, and shall maintain such solid waste containers at all times in good repair.
- B. The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided in this Chapter, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

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- C. Residential solid waste shall be stored in containers of not more than thirty-five (35) gallons nor less than twenty (20) gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a flytight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed seventy-five (75) pounds. Galvanized metal containers, rubber or fiberglass containers, and plastic containers which do not become brittle in cold weather, may be used. [Back to Index](#)
- D. Commercial solid waste shall be stored in solid waste containers. The containers shall be waterproof and leakproof and shall be covered at all times, except when a person is depositing waste therein or removing the contents thereof.
- E. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property. (CC 1989 §12-4; Ord. No. 867 §§2-5, 11, 6-26-73)

SECTION 230.050: COLLECTION

- A. The City shall provide for the collection of all residential and commercial solid waste in the City; provided however, that the City may provide the collection service by contracting with a person, a County, or another City or a combination thereof for the entire City or portions thereof, as deemed to be in the best interests of the City.
- B. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined in this Chapter; provided however, that bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk. All solid waste collected shall, upon being loaded into the collection equipment, become the property of the collection agency.
- C. Tree limbs and yard wastes shall be placed at the curb or alley for collection. Solid waste containers as required by this Chapter for the storage of other residential solid waste shall be placed outside buildings so as to be easily accessible for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this Chapter to be placed at the curb or alley for collection shall not be so placed until a regularly scheduled collection day.
- D. The following collection frequencies shall apply to collections of solid waste within the City: All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected at least once weekly and shall be collected at such lesser intervals as may be necessary to ensure the preservation of the health and safety of the public.
- E. All collection vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. (CC 1989 §12-6; Ord. No. 867 §§7-10, 12, 6-26-73) [Back to Index](#)

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SECTION 230.060: PROHIBITED ACTS

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It shall be unlawful for any person to:

- .1. Deposit solid waste in any solid waste container other than his/her own, without the written consent of the owner of such container, and/or with the intent of avoiding payment of the service charge provided for in this Chapter for solid waste collection and disposal;
- .2. Interfere in any manner with solid waste collectors in the lawful performance of their duties as such, whether the equipment or collectors shall be those of the City or those of a solid waste collection agency operating under contract with the City;
- .3. Burn solid waste unless a variance has been obtained from the Board of Aldermen and the appropriate air pollution control agency;
- .4. Dispose of solid waste at any facility or location which is not approved by the City and the State Department of Natural Resources;
- .5. Engage in the business of collecting, transporting, processing or disposing of solid waste for hire within the corporate limits of the City without authorization by the City.
(CC 1989 §12-7; Ord. No. 867 §15, 6-26-73)

SECTION 230.070: SERVICE CHARGES

- A. *Imposed.* There is hereby imposed, for the collection and disposal of solid waste, a service charge for each dwelling unit and each commercial establishment to which such service shall be provided under the provisions of this Chapter.
- B. *Excess Disposals—Contract.* Any residence, business, professional office or commercial establishment of any nature which has solid waste disposals exceeding one-half (½) cubic yard per week of solid waste shall contract for services for the disposal of such excess solid waste with the collecting agency on an individual basis, provided that the collecting agency cannot charge therefor more than a maximum charge.
- C. *Excess Disposals—Decision By Board.* If the collecting agency and the individual cannot agree on a contract price for the disposal of excess solid waste, then both parties may appear before the Board of Aldermen, which shall determine the fee to be charged. The determination of the Board of Aldermen shall be final in such instances.
- D. *Failure To Pay Charges.* If it is determined by the Board of Aldermen that any person has refused or failed to pay any charge assessed pursuant to the provisions of this Chapter for a period of more than sixty (60) consecutive days, the City may enforce collection of such charges by bringing proper legal action against the occupant of the premises which has received such services to recover any sums due for such services plus a reasonable attorneys fee to be fixed by the Court, plus the cost of such action. The fact that legal title to property is in any person constitutes prima facie proof that such person is responsible for the payment of charges provided for in this Chapter. The fact that charges incurred were for services provided to a tenant, agent, or other person using the titleholder's property shall not be grounds for staying the termination of City services provided for in this Section.

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- E. *Separate Residences Construed.* Each unit of a multiple housing facility or trailer park shall be construed to be a separate residence. [Back to Index](#)
- F. *Termination For Vacancy.* The service and service charge shall be terminated upon presentation of satisfactory proof to the City Collector that a dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof.
- G. *Enforcement.* The system of services established by the provisions of this Chapter is designed as an integral part of the City's program of health and sanitation, to be operated as an adjunct to the City's system for providing potable water and the City's system for providing sewerage disposal. The City may enforce collection of such charges by bringing proper legal action against the occupant of any premises which has received such services, to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.
- H. *Payment—General Responsibility.* The service charge provided for in this Section is hereby imposed upon the occupant of each dwelling unit receiving such service under the provisions of this Chapter. Billing therefor shall be made to the person contracting for City water and/or sewerage service or for other water service or otherwise providing water service to each such dwelling unit, in the absence of information that such person is neither the owner nor the tenant of such dwelling unit. If such person is neither the owner nor the tenant, billing shall be made to the owner. Service charges shall be payable to the department empowered to collect service charges imposed by the City.
- I. *Payment—Frequency—Service Fee.* The service charge shall be collected monthly by the City Collector along with the combined water and sewage charge, and the City shall retain a service fee for collection, to be placed in general revenue. (CC 1989 §12-8; Ord. No. 867 §§17, 19–21, 6-26-73; Ord. No. 907 §3, 8-14-79)

SECTION 230.080: DISPOSAL

Solid wastes shall be disposed of at a processing facility or disposal area approved by the City and complying with all requirements of the State Department of Natural Resources.
(CC 1989 §12-9; Ord. No. 867 §14, 6-26-73)

CHAPTER 235: HUMAN RELATIONS

ARTICLE I. IN GENERAL

SECTION 235.010: PURPOSES OF CHAPTER

The purposes of this Chapter are:

1. To secure for all individuals within the City freedom from any discriminatory practice made unlawful by Article III of this Chapter.
2. To implement within the City the policies embodied in Missouri and Federal Human Rights legislation, and to promote cooperation between the City and the State and Federal agencies enforcing that legislation. [Back to Index](#)

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3. To provide a City Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this Chapter. [Back to Index](#)

SECTION 235.020: DEFINITIONS

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

COMMISSION: The Cassville Commission on Human Rights.

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

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

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

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

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

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

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

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

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HOUSING FOR OLDER PERSONS: Housing:

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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; or
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
3. Intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit.

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

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

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

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

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

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6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment. [Back to Index](#)

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

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

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

ARTICLE II. COMMISSION ON HUMAN RIGHTS

SECTION 235.030: COMMISSION CREATED—MEMBERSHIP—QUALIFICATIONS—TERMS—VACANCIES

There is hereby established a Commission on Human Rights. The Commission shall consist of three (3) members, who shall be appointed by a majority of the members of the Board of Aldermen from among the residents of the City and who shall serve as such without compensation. The Board of Aldermen shall endeavor to include individuals on the Commission from various protected categories that have historically been discriminated against. Of the three (3) members first appointed, one (1) shall be appointed for one (1) year, one (1) shall be appointed for two (2) years and one (1) shall be appointed for three (3) years. Thereafter, appointment shall be for terms of three (3) years. In the event of the death, resignation or removal of any member, his/her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

SECTION 235.040: OFFICERS—MEETING AND QUORUM—RULES AND PROCEDURES—COMPENSATION—ATTENDANCE—TRAINING

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

SECTION 235.050: FUNCTIONS, POWERS AND DUTIES

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

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1. To encourage fair treatment for and to foster mutual understanding and respect among, and to discourage discrimination against, any racial, ethnic, religious or other group protected by this Chapter, members of these groups or handicapped persons.
2. To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this Chapter.
3. To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this Chapter.
4. To implement the purposes of this Chapter by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered.
5. To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this Chapter.
6. To cooperate with other organizations, private and public, to discourage discrimination.
7. To advise the Board of Aldermen on human rights issues.
8. To hold public hearings on the state of human rights and relations in the City and on specific human rights issues.
9. To sponsor or initiate specifically targeted workshops and on-going programs to improve human relations and to decrease tensions in the City.
10. To present informational programs on human rights to school, business, service and other organizations.
11. To formulate policies and to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this Chapter and said policies of the Commission in connection therewith.
12. To provide each year to the Board of Aldermen a full written report of all its activities and of its recommendations.

ARTICLE III. DISCRIMINATORY PRACTICES

SECTION 235.060: UNLAWFUL HOUSING PRACTICES

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status. [Back to Index](#)

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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. [Back to Index](#)
3. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, ancestry, sex, handicap, or familial status, or an intention to make any such preference, limitation, or discrimination.
4. To represent to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, handicap, or familial status.
6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. Any person associated with that buyer or renter.
7. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
 - a. That person;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. Any person associated with that person.

B. For purposes of Sections 235.060, 235.070, and 235.080 discrimination includes:

1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or [Back to Index](#)

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

SECTION 235.070: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS

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

SECTION 235.080: DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED

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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. [Back to Index](#)

SECTION 235.090: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED, EXCEPTIONS

- A. All persons within the City of Cassville are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.
- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in Section 235.020 and this Section, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.
- C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society, or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 235.020 and this Section.

SECTION 235.100: ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES

It shall be an unlawful discriminatory practice:

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

SECTION 235.110: EXEMPTIONS

- A. Nothing in this Chapter shall be construed to:

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1. Require the Commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of Subsection (B)(3) of Section 235.060. [Back to Index](#)
 2. To invalidate or limit any law of the State or of the City, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this Chapter.
- B. Nothing in Sections 235.060, 235.070 and 235.080:
1. 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.
 2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
 3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by Section 195.010, RSMo.
- C. Nothing in this Chapter shall prohibit a religious organization, association, or society, or any 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.
- D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 235.060, shall apply to:
1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
 - a. The private individual owner does not own or have any interest in more than three (3) single family houses at any one time; and
 - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one such sale in any twenty-four (24) month period; or
 2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence. [Back to Index](#)

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ARTICLE IV. ENFORCEMENT PROCEDURES

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SECTION 235.120: COMPLAINTS

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

SECTION 235.130: COMPLAINTS—INVESTIGATION, CONCILIATION AND MEDIATION

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

SECTION 235.140: PROSECUTIONS—TIME LIMITATIONS

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

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SECTION 235.150: PENALTY FOR VIOLATION OF CHAPTER

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Any person who shall violate any provision of this Chapter shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00), or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

CHAPTER 240: USES OF STATE REVOLVING FUND MONIES

SECTION 240.010: PROTEST PROVISIONS

- A. Grantees and subgrantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or subgrantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State or Federal authority having proper jurisdiction.
- B. Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protester must exhaust all administrative remedies with the grantee and subgrantee before pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:
 - B.1. Violations of Federal law or regulations and the standards of this Section (violations of State or local law will be under the jurisdiction of State or local authorities), and
 - B.2. Violations of the grantee's or subgrantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or subgrantee. (Ord. No. 1384 §1, 9-16-02)

SECTION 240.020: PROTEST PROCEDURES

The procedures to be utilized by the City of Cassville, Missouri, in reviewing protests concerning solicitations or contract awards are as follows:

- .1. The Board of Aldermen of the City of Cassville does hereby establish the following procedures for prompt consideration of initial protests filed by contractors or subcontractors concerning the solicitations or contract awards for construction of the City of Cassville's wastewater treatment facilities being constructed with State Revolving Fund (SRF) assistance, as follows.
- .2. A protest is a written complaint concerning the City of Cassville's solicitation or award of a sub-agreement or contract which must be filed in writing with the City Clerk of the City of Cassville by a party with a direct financial interest adversely affected by the City of Cassville procurement action for the construction of the wastewater treatment facilities.

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- .3. A party with a financial interest, which believes it is adversely affected by a procurement action by the City of Cassville must file a written protest stating the basis for said protest with the City Clerk of the City of Cassville as early in the procurement process as possible. A protest must be received by the Clerk within seven (7) days after the basis for the protest is known or reasonably should have been known. Said City Attorney, upon receipt of said protest, shall hold a hearing as soon as reasonable possible or proper and legal notification to the party with the financial interest which is allegedly adversely affected by the action of the City of Cassville and that said protestant shall be accorded a complete hearing and shall have the right to adduce evidence both verbal and documentary to the City Attorney, and upon conclusion of the hearing and the evidence adduced as submitted, the Board of Aldermen shall announce and issue the City's written decision and order making disposition of the issues raised in said protest. A written copy of the decision of the Board of Aldermen shall be served upon the protestant within seven (7) days after the hearing.
- .4. The provisions of this Section shall be incorporated in any solicitations, contract awards or sub-agreements entered into by the City of Cassville.
- . 5 . The provisions of this Section are severable and if any provision or part hereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this Section. (Ord. No. 1384 §2, 9-16-02) [Back to Index](#)