

CHAPTER 55

PETTY OFFENSE CODE

SCOPE

5500 Scope.

The provisions of this chapter shall apply to the unincorporated area of Jackson County, to all property belonging to the county wherever located in the county, and within the territorial limits of any city within Jackson County with which the county has entered into an intergovernmental agreement relating to enforcement of county ordinance violations. (Ord. 907, Sec. 1, Eff. 10-15-81; Ord. 4111, Eff. 7/27/09)

5501 Title.

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

5502 - 5509. RESERVED

DEFINITIONS

5510 Definitions.

The following words and phrases are defined as follows:

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

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

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

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

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

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

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

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

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

5511 - 5519. RESERVED (Ord. 3494, Eff. 05-28-04)

PENALTY

5520 Penalty, Violation of Petty Offense Code.

Any person who violates the provisions of § 5534.4 of this chapter shall on conviction be punished pursuant to § 571.094.21, RSMo. Any person who violated any of the remaining provisions of this chapter shall on conviction be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for a term not exceeding one (1) year, or by both. (Ord. 907, Sec. 15, Eff. 10-15-81; Ord. 3423, Eff. 10-08-03)

5521 - 5528. RESERVED

Section A. Enacting Clause.

Section 5529., Jackson County Code, 1984, is hereby enacted, to read as follows:

5529. Failure to Register as a Sex Offender.

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

Section B. Penalty Provision.

Any person who violates section 5529. of this Ordinance shall, upon conviction, be

punishable pursuant to section 5520., Jackson County Code, 1984. (Ord. 3959, Sec. A and B, Eff. 12-14-07)

PETTY OFFENSES

5530 Injury to Property.

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

5531 Disorderly Conduct.

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

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

5532 Permitting Disorderly Conduct.

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

5533 Disturbing Lawful Assemblies.

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

5534 Weapons Offenses.

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

a. Blackjack/Martial Arts Instrument.

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

b. Firearm.

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

c. Gas Gun.

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

d. Knife.

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

e. Knuckles.

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

f. Projectile Weapon.

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

death by striking or piercing a person.

g. Stun Gun/Taser.

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

h. Switchblade/Butterfly Knife.

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

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

(2) Opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

(Ord. 907, Sec. 9, Eff. 10-15-81; Ord. 2106, Eff. 6/16/92; Ord. 3866, Eff. 01/23/07)

5534.1 Carrying a Concealed Weapons.

No person shall carry concealed upon or about his person any firearm, blackjack, martial arts instrument, knuckles, knife, projectile weapon, gas gun, switchblade or butterfly knife, or any other weapon readily capable of lethal use. This subsection shall not apply to any person who has a valid concealed carry endorsement issued pursuant to § 571.094, RSMo, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, with regard to the carrying of the type of firearm specified in the endorsement or permit. (Ord. 2106, Eff. 6/16/92; Ord. 3423, Eff. 10-08-03)

5534.2 Unlawful Use of Weapons.

No person shall:

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

b. Discharge a firearm or projectile weapon in a careless or reckless manner, or in a densely populated area. (Ord. 2106, Eff. 6/16/92)

5534.3 Weapons on Public Property.

No person shall carry any firearm, blackjack, martial arts instrument, knuckles, knife, projectile weapon, gas gun, switchblade or butterfly knife, stun gun or taser, or any other weapon readily capable of lethal use onto any property belonging to or leased by the county. This subsection shall not apply to any person who has a valid concealed carry endorsement issued pursuant to § 571.094, RSMo, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, with regard to the carrying of the type of firearm

specified in the endorsement or permit. (Ord. 2106, Eff. 6/16/92; Ord. 3423, Eff. 10-08-03; Ord. 3866, Eff. 01/23/07)

5534.4 Firearms in County Buildings.

- a. No person who has been issued a concealed carry endorsement by the Missouri director of revenue under § 571.094, RSMo, or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm, in any building or portion of a building owned, leased, or controlled by the county.
- b. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the county stating that carrying of firearms is prohibited. Where the county owns, leases, or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building stating that carrying of firearms is prohibited.
- c. This subsection shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges, or private dwellings owned, leased, or controlled by the county.
- d. Any person violating this subsection may be denied entrance to the building or ordered to leave the building. Any person violating this subsection who refuses to leave a county building after being ordered to do so may be punished pursuant to § 571.094.21, RSMo. Any county employee violating this subsection may be disciplined in accordance with the county's personnel rules.
- e. No person who has been issued a certificate of qualification which allows the person to carry a concealed firearm before the director of revenue begins issuing concealed carry endorsements in July 2004, shall, by authority of that certificate, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased, or controlled by the county. (Ord. 3423, Eff. 10-08-03)

5534.5 Law Enforcement Officers - Exception.

Nothing in this section shall apply to any legally qualified United States, state, county or municipal law enforcement officer, as defined by section 571.030, RSMo, so as to prevent such officer from carrying or wearing these weapons as may be necessary in the proper discharge of his duties. (Ord. 2106, Eff. 6/16/92; Ord. 3423, Eff. 10-08-03)

5535 Concealing Dangerous Objects in Food Stuffs.

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

5536 Distribution of Food Stuffs With Concealed Dangerous Objects.

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

5537 Trespassing.

It shall be unlawful for any person to:

a. Unauthorized Entry.

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

b. Refuse to Leave.

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

5538 Unauthorized Parking.

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

5539 Obedience to Sheriff or Deputy.

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

5540 Littering.

It shall be unlawful for any person to throw or place, or to cause to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right of way of any public road or highway, on any other property belonging to the county, or on any private real property owned by another without his consent. (Ord. 907, Sec. 14, Eff. 10-15-81; Ord. 1320, Eff. 05-16-85)

5541 Gambling.

It shall be unlawful for any person to:

a. Bet on Game of Chance.

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

b. Participate in Game of Chance.

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

5542 Use of Premises for Gambling.

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

5543 Tampering with Fire Hydrants - Prohibited.

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

5544 Alteration of drug tests.

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

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

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

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

or to attempt to alter, any drug test;

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

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

(5) National or local advertising concerning its use;

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

(7) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed pharmacy;

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

(9) Expert testimony concerning its use.

(c) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of items designed or intended for use to alter or to attempt to alter a drug test.

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

5545 Stealing.

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

5545.1 Lost Property.

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

5546 Assault.

a. Attempt.

No person shall, by an intentional, overt act, attempt to inflict bodily injury or cause

an offensive contact upon the person of another.

b. Infliction.

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

5547 Possession or Control of Marijuana.

Except as authorized by law, no person shall possess or have under his control marijuana, which term shall mean all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. (Ord. 2106, Eff. 6/16/92; Ord. 2204, Eff. 6/30/93)

5548 Possession of Alcohol by Minor.

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

5548.1 Misrepresentation of Age by Minor.

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

5549 False Report or Information.

No person shall knowingly and willfully make any false report, or give any false information to any public authority or police officer, or to any person reasonably calculated to relay such false report or information to any public authority or police officer, relating to the commission or alleged commission of any violation of any county ordinance, which false report or information is calculated to cause such public authority or police officer to expend time or money in investigating such offense or alleged offense, or calculated to cause public apprehension of danger. (Ord. 2106, Eff. 6/16/92)

5550 False Bomb Report.

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

5551 Fleeing or Attempting to Elude an Officer.

No person who is operating a motor vehicle shall willfully fail or refuse to bring his vehicle

to a stop, or otherwise flee or attempt to elude a pursuing police vehicle, when given visible or audible signals to stop. Such signals to stop may be by hand, voice, or emergency light or siren. (Ord. 2106, Eff. 6/16/92)

5552 Hindering an Officer/Resisting Arrest.

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

5553 Aiding an Escape.

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

5554 Resisting Arrest.

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

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

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

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

5555 Public Obscenity.

No person shall use lewd, obscene, profane, or vulgar language while on any public street or public property or while at any place of business open to public patronage including, but not limited to, restaurants and other businesses which serve food or beverage, pool halls, dancing halls, public parks, car washes, parking lots and the like, under such circumstances such that the language has a direct tendency to or has the effect of causing an immediate violent response by a reasonable recipient. (Ord. 2106, Eff. 6/16/92)

5556 Public Indecent Exposure.

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

5557 Disturbing the Peace.

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

5558 Children on Street at Night.

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

5559 Permitting Children to Violate Curfew.

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

5560 Endangering the Welfare of a Child.

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

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

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

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

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

5560.3 Recklessly Failing to Care For or Control Child.

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

5560.4 Knowingly Allows Child to Enter Drug House.

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

5560.5 Recognized Nonmedical Remedial Treatment Not To Constitute Endangerment.

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

5561 Swimming.

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

5562 Boating.

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

5563 Noise, General Prohibition.

(a) No person shall make, continue, or cause to be made or continued:

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

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

- (1) The proximity of the sound to sleeping facilities, whether residential or commercial;

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

5564 Noises Prohibited.

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

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

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

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

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

(1) Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case

shall such test time exceed five (5) minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.

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

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

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

(1) Within or adjacent to residential or noise-sensitive areas;

(2) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous.

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

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

(h) Animals and Birds: Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Sounds made by

animals or birds in animal shelters, kennels, veterinary hospitals, pet shops or pet kennels, licensed under and in compliance with licensing and permitting provisions set forth in the Unified Development Code, chapter 240 of this Code are exempt from this subsection.

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

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

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

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

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

5565 Exemptions.

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

(a) Motor vehicles on trafficways of the County, provided that the prohibition of

section 5564.(b) continues to apply.

(b) Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.

(c) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in section 5564.(d) continues to apply.

(d) The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

(e) Repairs or excavations of bridges, streets or highways by or on behalf of the County, the State, or the federal government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.

(f) Outdoor School and Playground Activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.

(g) Other Outdoor Events. Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority. (Ord. 3494, Eff. 05-28-04)

5566 Enforcement.

(a) The following individuals shall enforce this chapter: The Sheriff will have primary responsibility for the enforcement of the noise regulations contained herein. Nothing in this chapter shall prevent the Sheriff from obtaining voluntary compliance by way of warning, notice or education.

(b) If a person's conduct would otherwise violate this chapter and consists of speech or communication, of a gathering with others to hear or observe speech or communication, or of a gathering with others to picket or otherwise express in a non-violent manner a position on social, economic, political or religious questions, the person must be ordered to, and have the opportunity to, move, disperse, or otherwise remedy the violation prior to arrest or a citation being issued. (Ord. 3494, Eff. 05-28-04)

5567. Smoking Prohibited; Except for Designated Areas.

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

5567.1 Posting and Designation.

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

5567.2 Penalty.

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