

Chapter 18

MUNICIPAL OFFENSES AND PROVISIONS

Cross Reference — Building inspector/code enforcement officer — authorized to enforce ch. 18, § 2-209.

ARTICLE I In General

SECTION 18-1. Fortunetelling. [Ord. of 5-7-1945, § 1]

It shall be unlawful for any person to engage in fortunetelling within the City.

SECTION 18-2. Distribution of Handbills and Pamphlets. [Ord. of 5-1-1933, § 1; Ord. No. 92-82 § 1, 6-8-1992]

It shall be unlawful for any person to distribute any handbills or pamphlets to the premises of any person within the City without the consent of the person occupying said premises.

SECTION 18-3. (Reserved) ¹

SECTION 18-4. Leaving Excavations or Cellar Doors Uncovered. [Rev. Ord. No. 34, § 7, 10-21-1912]

If any person, in the City, shall dig or cause to be dug, or shall make any excavation in or adjoining any highway, thoroughfare or other public place, or shall dig any well, cistern or vault, or shall leave the same open or exposed and without a sufficient fence or other protection around it, or shall suffer or permit any cellar door or grating, opening on any highway or thoroughfare, to be and remain open or in an unsafe or dangerous condition, whereby persons may be in danger of falling on or over such cellar door, or into such cellar or vault, the person so offending shall be deemed guilty of a misdemeanor.

SECTION 18-5. Intoxicated Persons Entering Schoolhouse, Church House, Courthouse or Other Public Place. ² [Rev. Ord. No. 34, § 27, 10-21-1912]

- A. It shall be unlawful for any person in the City to enter any schoolhouse or church house in which there is an assemblage of people, met for a lawful purpose, or any courthouse, in a drunken or intoxicated and disorderly condition, or to drink or offer to drink any intoxicating liquors in the presence of such assembly of people, or in any courtroom in the

¹. Editor's Note: Former Section 18-3, Keeping Bees, adopted and amended by Rev. Ord. No. 70 §1, 10-21-1912, was repealed 7-28-2015 by Ord. No. 2015-21 §2.

². State Law Reference — For similar provisions, see RSMo. § 574.075.

City.

- B. It shall be unlawful for any person in the City to attend or be in any other public place, in a drunken or intoxicated and disorderly condition, and any person so doing shall be guilty of a misdemeanor. As used in this Section, the term "*public place*" includes but is not limited to any common carrier, building street, lane, park or place of public resort, recreation or amusement other than a privately owned and operated business establishment.

SECTION 18-6. Vagrancy. ³

Every person who may be found loitering around houses of ill-fame, gambling houses or places where liquors are sold or drunk, without any visible means of support, or shall attend or operate any gambling device or apparatus, or be engaged in practicing any trick or device to procure money or other thing of value, or shall be engaged in any unlawful calling whatever, and every able-bodied married man who shall neglect or refuse to provide for the support of his family, and every person found tramping or wandering around from place to place without any visible means of support, shall be deemed guilty of a misdemeanor.

SECTION 18-7. Impersonating, Interfering with City Officers. ⁴ [Rev. Ord. No. 34, § 99, 10-21-1912]

Whoever shall, in the City, falsely represent himself to be an officer of the City, or shall, without being lawfully authorized, exercise any of the duties, functions or powers of an officer of the City, or shall hinder, obstruct, resist or otherwise interfere with an officer of the City in the discharge of his official duty, or attempt to rescue any person from the custody of any such officer, shall be deemed guilty of a misdemeanor.

SECTION 18-8. False Affidavit. ⁵ [Ord. No. 80-16 § 1, 9-2-1980]

It shall be unlawful for any person to swear out, declare, sign or execute any affidavit or statement which shall directly cause or contribute to cause any other person to be charged with any violation of any Lexington Municipal Ordinance, when the affiant shall know said affidavit to be false.

SECTION 18-9. Passing Bad Checks. [Ord. No. 81-04 §§ 1-5, 3-3-1981]

- A. The passing of a bad check in the City of Lexington, Missouri, to any person, firm or corporation is hereby prohibited.
- B. A person commits the offense of passing a bad check, when, with the purpose to defraud, he issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee.
- C. If the issuer had no account with the drawee or if there were no such drawee at the time the check or order was issued, this fact shall be prima facie evidence of his purpose to defraud

3. State Law Reference — For similar provisions, see RSMo. § 568.040.

4. State Law Reference — Impersonating an officer, RSMo. § 575.120.

5. State Law Reference — For similar provisions, see RSMo. § 570.030.

and of his knowledge that the check or order would not be paid.

- D. If the issuer has an account with the drawee, failure to pay the check or order within ten (10) days after notice in writing that it has not been honored because of insufficient funds or credit with the drawee is prima facie evidence of his purpose to defraud and of his knowledge that the check or order would not be paid. Written notice as used in this Section means notice deposited as first class mail in the United States Mail and addressed to the issuer at his address as it appears on the dishonored check or to his last known address.
- E. Any person, firm, or corporation violating the provision of this Section, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be penalized as set out in Section 1-8.

SECTION 18-10. Resisting or Interfering with Arrest. ⁶ [Ord. No. 88-25 §§ 1-3, 12-13-1988]

- 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:
 - 1. Resists the arrest of himself by using or threatening use of violence or physical force or by fleeing from such officers;
 - 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 arrest with or without warrants and to arrest for any crime or ordinance violation.
- C. Resisting or interfering with arrest is punishable by a fine of up to five hundred dollars (\$500.00) and/or up to ninety (90) days in jail.

SECTION 18-11. Controlled Substances. ⁷ [Ord. No. 94-17 § I, 6-14-1994]

- A. No person shall possess, or have under his control, less than thirty-five (35) grams of marijuana.
- B. Any person who violates this Section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be penalized by a fine not exceeding five hundred dollars (\$500.00) and not less than one hundred fifty dollars (\$150.00), or by imprisonment in the County Jail not exceeding ninety (90) days, or by both, fine and imprisonment.

SECTION 18-12. Unlawful Use of Drug Paraphernalia. [Ord. No. 94-18 § I, 6-14-1994]

- A. No person shall use, or possess with intent to use, drug paraphernalia to plan, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, marijuana.

⁶. State Law Reference — For similar provisions, see RSMo. § 575.160.

⁷. State Law Reference — For similar provisions, see § 195.202, RSMo.

- B. Any person who violates this Section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be penalized as set out in Section 1-8 of the Municipal Code.

SECTION 18-13. Harassment — Phone Calls. [Ord. No. 99-57 § 1, 2-8-2000]

- A. The offense of harassment in the City of Lexington, Missouri, of any person, firm, or corporation is hereby prohibited.
- B. A person commits the offense of harassment if for the purpose of frightening or disturbing another person, he does any of the following:
1. Calls the victim on the phone or sends them a writing and threatens to commit a felony; or
 2. Calls the victim on the phone or sends them a writing and uses coarse language that would be offensive to the average person; or
 3. Makes an anonymous phone call to the victim; or
 4. Makes repeated phone calls.
- C. Any person, firm, or corporation violating any provision of this Section, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than five dollars (\$5.00) or more than five hundred dollars (\$500.00), or may be imprisoned in the City or County Jail for not more than ninety (90) days, or both fine and imprisonment together with court cost therein.

SECTION 18-14. Littering. [Ord. No. 2014-25 §§ 1 — 7, 11-18-2014⁸]

- A. *Definitions.* For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Subsection:

ACCUMULATED LITTER — Litter of an amount and degree so as to constitute a nuisance.

AIRCRAFT — Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation and cooking and consumption of food.

HANDBILL — Any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature.

LITTER — Garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

NEWSPAPER — A publication of general circulation printed, distributed and subscribed to by the recipient which contains either news, opinions, advertisements or other items of general

8. Editor's Note: This ordinance also provided for the repeal of former § 18-14, Littering, adopted 3-14-2000 by Ord. No. 99-59.

interest, and in addition thereto, shall mean and include any periodical or current magazine regularly published with not fewer than four (4) issues per year, and sold to the public.

PARK — A park, reservation, playground, beach, recreation center or any other public area in the City, owned and/or used by the City and developed to active or passive recreation.

PRIVATE PREMISES — Any dwelling, house, building, or other structure, designed or used either wholly or in part for private purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE — Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

REFUSE — All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

VEHICLE — Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

- B. *Litter In Public Places; Throwing Or Distributing Handbills In Public Places.* No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place within the City; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the City for a person to hand out or distribute a handbill to any person willing to accept it.
- C. *Depositing Handbill On Uninhabited Or Vacant Premises.* No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.
- D. *Prohibiting Distributing Of Handbills Where Property Posted.* No person shall throw, deposit, or distribute any handbill upon any private premises if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice advising that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any handbills left upon such premises.
- E. *Distributing Handbills At Private Premises.*
 - 1. No person shall throw, deposit, leave or distribute any handbill in or upon private premises except by handing or transmitting such handbill directly to the owner, occupant, or other person then present in or upon such private premises; provided, however, that in case of private premises which are not posted as provided above, such person may place or deposit any such handbill in or upon such private premises.

This provision shall not be interpreted to authorize the placing of handbills under or behind screens or entrance doors, or in mailboxes when so prohibited by Federal postal law or regulations. This provision shall not apply unless the owner of the property notifies the distributor to cease throwing, depositing, leaving or distributing any handbill. The owner of the property must also advise the City that the distributor has been notified to cease distribution of handbills.

2. The provisions of this Section shall not apply to the distribution of mail by the United States, nor to political or campaign material during an election year, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
- F. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be penalized as set out in Section 1-8.

SECTION 18-15. through SECTION 18-17. (Reserved)

**ARTICLE II
Offenses Against Property**

SECTION 18-18. Stealing Property of Another. ⁹

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

PROPERTY — Everything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument and all things defined as property under State law.

STEAL — To appropriate by exercising dominion over property in a manner inconsistent with the rights of the owner, either by taking, obtaining, using, transferring, concealing or retaining possession of his property.

- B. It shall be unlawful for any person to intentionally steal the property of another, either without his consent or by means of deceit.
- C. If the property stolen within the meaning of Subsection (B) is a chattel and the person charged with stealing the same proves by a preponderance of the evidence that no further transfer was made, and that, at the time of the appropriation he intended merely to use the chattel and promptly to return or discontinue his use of it, he has a defense to a prosecution under this Section. "*Chattel*" as used in this Section does not include money, securities, negotiable instruments, documents of title, postage or revenue stamp or other valuable papers.
- D. A person who appropriates lost property shall not be deemed to have stolen the same within the meaning of Subsection (B) unless such property is found under circumstances which give the finder knowledge of or means of inquiry as to the true owner.

9. State Law Reference — For similar provisions, see RSMo. § 570.030.

SECTION 18-19. Trespassing Upon Private Property. [Rev. Ord. No. 34, § 87, 10-21-1912]

Whoever shall, in the City, be found trespassing upon the premises or property of another, shall be deemed guilty of a misdemeanor.

SECTION 18-19.1. Regulating Peddlers, Solicitors and Canvassers. ¹⁰ [Ord. No. 2008-30 §§ 1 — 18, 11-25-2008]

A. *Definitions.* As used in this Section, the following words have the meaning indicated:

CANVASSER — A person who attempts to make personal contact with a resident at his/her residence, without prior specific invitation or appointment from the resident, for the primary purpose of:

1. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or
2. Distributing a handbill or flyer advertising a non-commercial event or service.

PEDDLER — A person who attempts to make personal contact with a resident at his/her residence, without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. A "peddler" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "solicitor".

SOLICITOR — A person who attempts to make personal contact with a resident at his/her residence, without prior specific invitation or appointment from the resident, for the primary purpose of:

1. Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or
2. Distributing a handbill or flyer advertising a commercial event or service.

B. *Exception.* This Section shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer. It does not apply to: community organizations, schools, scouts, religious groups or non-profit organizations.

C. *Identification Card Required for Peddlers and Solicitors, Available for Canvassers.* No person shall act as a peddler or as a solicitor within the City without first obtaining an identification card in accordance with this Section. A canvasser is not required to have an identification card but any canvasser wanting an identification card for the purpose of reassuring City residents of the canvasser's good faith shall be issued one upon request.

¹⁰. Editor's Note — Ord. no. 2008-30 § 21, adopted November 25, 2008, repealed section 18-19.1 "all solicitation prohibited — penalty" and enacted new provisions set out herein. Former section 18-19.1 derived from ord. no. 83-12, §§ 2 — 4, 8-16-83.

D. *Fee.* The fee for the issuance of each identification card shall be:

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| 1. For a peddler acting on behalf of a merchant otherwise licensed to do business within the City | no fee |
| 2. For a peddler acting on behalf of a merchant not otherwise licensed to do business within the City | a fee of \$5.00 per day |
| 3. For a solicitor (including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence) | no fee |
| 4. For a canvasser requesting an identification card | no fee |

E. *Application for Identification Card.* Any person or organization (formal or informal) may apply for one (1) or more identification cards by completing an application form at the office of the issuing officer during regular office hours.

F. *Contents of Application.* The applicant (person or organization) shall provide the following information:

1. Name of applicant.
2. Number of identification cards required.
3. The name, physical description and photograph of each person for which a card is requested. In lieu of this information, a driver's license, State identification card, passport or other government-issued identification card (issued by a government within the United States) containing this information may be provided and a photocopy taken. If a photograph is not supplied, the City will take an instant photograph of each person for which a card is requested at the application site. The actual cost of the instant photograph will be paid by the applicant.
4. The permanent and (if any) local address of the applicant.
5. The permanent and (if any) local address of each person for whom a card is requested.
6. A brief description of the proposed activity related to this identification card. (Copies of literature to be distributed may be substituted for this description at the option of the applicant.)
7. Date and place of birth for each person for whom a card is requested and (if available) the social security number of such person.
8. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a card is requested for the seven (7) years immediately prior to the application.
9. The motor vehicle make, model, year, color and State license plate number of any vehicle which will be used by each person for whom a card is requested.

10. If a card is requested for a peddler:
 - a. The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler's principal).
 - b. A copy of the principal's sales tax license as issued by the State of Missouri, provided that no copy of a license shall be required of any business which appears on the City's annual report of sales tax payees as provided by the Missouri Department of Revenue.
 - c. The location where books and records are kept of sales which occur within the City and which are available for City inspection to determine that all City sales taxes have been paid.
 11. If a card is requested for a solicitor:
 - a. The name and permanent address of the organization, person or group for whom donations (or proceeds) are accepted.
 - b. The web address for this organization, person or group (or other address) where residents having subsequent questions can go for more information.
 12. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.
- G. *Issuance of Identification Card.* The identification card(s) shall be issued promptly after application but in all cases within sixteen (16) business hours of completion of an application, unless it is determined within that time that:
1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven (7) years.
 2. With respect to a particular card, the individual for whom a card is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven (7) years, or
 3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.
- H. *Investigation.* During the period of time following the application for one (1) or more identification cards and its issuance, the City shall investigate as to the truth and accuracy of the information contained in the application. If the City has not completed this investigation within the sixteen (16) business hours provided in Subsection (G), the identification card will nonetheless be issued, subject, however, to administrative revocation upon completion of the investigation.
- I. *Identification Cards of Other City.* Instead of the application procedure above, if an applicant produces identification cards issued by another City having an ordinance substantially the same as this one, the issuing officer may in his discretion immediately issue identification cards without the necessity of a formal application or investigation.

- J. *Denial — Administrative Revocation.* If the issuing officer denies (or upon completion of an investigation revokes) the identification card to one (1) or more persons, he shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reason for the denial which shall be immediately made available to the applicant. Upon receipt of the oral notification and even before the preparation of the written report, the applicant shall have at his option an appeal of the denial of his application before the following tribunal:
1. The City Council at its next regular meeting or, if the next regular meeting is more than ten (10) days from the denial of the application, at a special meeting to be held within that ten (10) day period, due notice of which is to be given to the public and the applicant, or
 2. Before the Municipal Court of the City, provided that such a hearing will be scheduled within ten (10) days of the request, due notice of which is to be given to the public and the applicant.
- K. *Hearing on Appeal.* If the applicant requests a hearing under Subsection (J), the hearing shall be held in accordance with the Administrative Procedure Act of the State of Missouri and review from the decision (on the record of the hearing) shall be had to the Circuit Court of the County in which the City is located. The hearing shall also be subject to the Missouri Open Meetings and Records law.
- L. *Display of Identification Card.* Each identification card shall be (when the individual for whom it was issued is acting as a peddler or solicitor) worn on the outer clothing of the individual, so as to be reasonably visible to any person who might be approached by said person.
- M. *Validity of Identification Card.* An identification card shall be valid within the meaning of this Section for a period of six (6) months from its date of issuance or the term requested, whichever is less.
- N. *Revocation of Card.* In addition to the administrative revocation of an identification card, a card may be revoked for any of the following reasons:
1. Any violation of this Section by the applicant or by the person for whom the particular card was issued.
 2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
 3. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven (7) years.
 4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

The revocation procedure shall be initiated by the filing of a complaint by the City Attorney or the issuing officer pursuant to the State Administrative Procedure Act and a hearing before the tribunal identified in Subsection (J) above.

- O. *"No Visit" List.* The issuing officer shall maintain a list of persons within the City who restrict visits to their residential property (including their leasehold, in the case of a tenant) by peddlers, solicitors and canvassers. The issuing officer may provide a form to assist residents and this form may allow the resident to select certain types of visits that the resident finds acceptable while refusing permission to others. This "no visit" list shall be a public document available for public inspection and copying. A copy of the "no visit" list shall be provided to each applicant for and each recipient of an identification card. If a canvasser chooses not to apply for an identification card, it will be the responsibility of that canvasser to obtain in some other way a copy of the current "no visit" list.
- P. *Distribution of Handbills and Commercial Flyers.* In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:
1. No handbill or flyer shall be left at or attached to any sign utility pole, transit shelter or other structure within the public right-of-way. The Police are authorized to remove any handbill or flyer found within the right-of-way.
 2. No handbill or flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property.
 3. No handbill or flyer shall be left at or attached to any of the property:
 - a. Listed on the City "no visit" list, or
 - b. Having a "no solicitor" sign of the type described in Subsection (Q)(1) or (Q)(2).
 4. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the Police (either by producing an identification card or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the City receives a complaint of damage caused to private property during the distribution of handbills or flyers.
- Q. *General Prohibitions.* No peddler, solicitor or canvasser shall:
1. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two (2) inches in height. (The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers.)
 2. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.
 3. Enter upon any private property where the current occupant has posted the property on the City's "no visit" list (except where the posting form indicates the occupant has given permission for this type of visit), regardless of whether a front yard sign is

- posted.
4. Use or attempt to use any entrance other than the front or main entrance to the dwelling or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
 5. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
 6. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M.

Except that the above prohibitions shall not apply when the peddler, solicitor or canvassers has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

R. *Violation to be Prosecuted as Trespass.* Any person violating any part of this Section shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the City. The penalty for such violation shall be the same as for any other trespass.

SECTION 18-20. Blasting Rock or Other Substances. [Rev. Ord. No. 34, § 6, 10-21-1912]

Whoever shall, in the City, blast or cause to be blasted with powder or other explosive substances, any rock or other substances, without having such rock or other substances, at the time of setting off the blast, covered on all sides of the orifice with good, sound plank, timber or other material of sufficient width, length, thickness and weight, and so placed as to effectually prevent fragments of the rock or other substances from ascending into the air, shall be deemed guilty of a misdemeanor.

SECTION 18-21. Cheat, Swindlers, Etc. [Rev. Ord. No. 34, § 54, 10-21-1912]

Any person, within the City, who shall engage in or aid, or abet any other person in any game, device, trick or scheme, or by means of any deception whatsoever designed or intended to cheat, swindle or defraud any person out of any money or thing of value, or who shall attempt to aid another in attempting to cheat, swindle or defraud anyone out of any money or thing of value, by means of any trick, scheme, device or deception, or by any false representation, statement or pretense, or by any means, or instrument or device, commonly called the "confidence game", or who shall have in his possession any device, instrument, trick or tool used or designed to be used in any game, slight-of-hand performance or scheme of any character, intended or designed to cheat, swindle or defraud any person out of money or thing of value, shall be deemed guilty of a misdemeanor.

SECTION 18-22. Misusing Burial Grounds. [Rev. Ord. No. 34, § 60, 10-21-1912]

Every person who shall willfully destroy, disfigure or injure any wall, fence, hedge, monument, tombstone, tree or shrubbery around or within any cemetery, graveyard or burial ground for any other purpose than a burial ground, or shall be guilty of any unseemly, offensive or lascivious

conduct within or about such burial ground, shall be deemed guilty of a misdemeanor. The provisions of this Section shall apply to all cemeteries, graveyards, or burial grounds within the City, and to all such burial grounds within five (5) miles thereof belonging to the City, or which are or may be used for the interment or sepulcher of the inhabitants of the City, whether belonging to the City or to any person, company, corporation, church or association.

SECTION 18-23. Taking and Depositing Earth, Sand, Etc., From or on Public Places. [Rev. Ord. No. 34, § 70, 10-21-1912]

Any person who shall take from or deposit on any street, alley, thoroughfare, sidewalk or other public place of the City, or on property not owned or controlled by him, without having lawful authority to do so, any turf, loam, gravel, rock or other material, shall be deemed guilty of a misdemeanor.

SECTION 18-24. Tearing Down or Defacing Signs, Etc. [Rev. Ord. No. 34, § 79, 10-21-1912]

Any person who shall, in the City, remove, take or tear down, deface, mark, injure or destroy any sign belonging to another, or shall deface, injure or remove any sign indicating the number of any street, without having lawful authority to do so, shall be deemed guilty of a misdemeanor.

SECTION 18-25. Vandalism. [Ord. No. 80-15, § 1, 9-2-1980]

It shall be unlawful for any person to cause, or contribute to cause, any damage, injury, marking, cutting, scarring, scraping, burning, defacing or vandalism to any item of public or private property, real or personal property, whether said damage as described above shall be in whole or in any part.

SECTION 18-26. Trespass by Peddlers; a Nuisance. [Ord. No. 78-15 §§ 1 — 3, 11-20-1978]

- A. The practice of being in and upon private residences in the City of Lexington, Missouri, by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor.
- B. The City Marshal and Police Force of the City of Lexington are hereby required and directed to suppress the same, and to abate any such nuisance as is described in Subsection (A) hereof.
- C. Any person convicted of perpetrating a nuisance, as described and prohibited in Subsection (A) hereof, upon conviction thereof shall be fined a sum not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) together with costs of proceeding, which said fine may be satisfied, if not paid in cash by execution against the person of anyone convicted of committing the misdemeanor as herein prohibited.

SECTION 18-27. through SECTION 18-35. (Reserved)

ARTICLE III
Offenses Against Order

SECTION 18-36. Affrays. ¹¹

If two (2) or more persons shall, in any public place, voluntarily or by agreement engage in any fight, or use any blows or violence toward each other, in any angry or quarrelsome manner, or do each other any willful mischief, or if any person shall assault another and strike him, in any public place, to the terror or disturbance of others, the person so offending shall be deemed guilty of a misdemeanor.

SECTION 18-37. Unlawful Assembly. ¹² [Rev. Ord. No. 34, § 1, 10-21-1912]

If three (3) or more persons shall assemble together with the intent, or being assembled shall agree mutually to assist one another, to do any unlawful act, with force or violence, against the person or property of another, or against the peace or to the terror of the people, such persons so assembling, and each of them, shall be deemed guilty of a misdemeanor.

SECTION 18-38. Riots. ¹³

If three (3) or more persons, being assembled as mentioned in Section 18-37, shall proceed to carry out or accomplish their purposes, or do any unlawful act in furtherance or supposed furtherance of said purposes, in a violent, unlawful or tumultuous manner, to the terror or disturbance of peaceful citizens, every person so offending, or who shall aid or assist in doing any unlawful act, shall be deemed guilty of a misdemeanor.

SECTION 18-39. Disturbing the Peace. ¹⁴ [Rev. Ord. No. 34, § 2, 10-21-1912; Ord. No. 2001-09 §§ 1 — 3, 2-13-2001]

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

1. *Property of another:* Any property in which the actor does not have a possessory interest.
2. *Private property:* Any place which at the time is not open to the public. It includes property which is owned publicly or privately.
3. *Public place:* Any place which at the time is open to the public. It includes property which is owned publicly or privately.
4. If a building or structure is divided into separate occupied units, such units are separate premises.

B. *Peace Disturbances.* A person commits the offense of peace disturbance if:

11. State Law Reference — For similar provisions, see RSMo. §§ 574.010 — 574.030.
12. State Law Reference — For similar provisions, see RSMo. § 574.040.
13. State Law Reference — For similar provisions, see RSMo. § 576.040.
14. State Law Reference — For similar provisions, see RSMo. § 574.010.

1. He unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise;
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;
 - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;
 - d. Fighting; or
 - e. Creating obnoxious and offensive odor.
2. He is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
 - a. Vehicular or pedestrian traffic; or
 - b. The free ingress or egress to or from a public or private place.

SECTION 18-40. Disturbing Religious Assemblies. ¹⁵ [Rev. Ord. No. 34, § 3, 10-21-1912]

Every person who shall willfully, maliciously or contemptuously disquiet or disturb any camp meeting, congregation or other assembly met for religious worship, or when meeting at the place of worship, or dispersing therefrom, or any school or other meeting or assembly of people met together for any lawful purpose whatever, by making a noise, or by rude or indecent behavior or profane discourse within the place of assembly, or so near the same as to interrupt or disturb the order or solemnity thereof, or who shall willfully menace, threaten or assault any person being there, shall be deemed guilty of a misdemeanor.

SECTION 18-41. False Alarms. ¹⁶ [Rev. Ord. No. 34, § 18, 10-21-1912]

Any person, within the City, who shall willfully give, sound or make any false alarm of fire, or who shall deceive the City Marshal or any Police Officer or citizen by a false alarm, or cry to the Police shall be deemed guilty of a misdemeanor.

SECTION 18-42. Common Assault. ¹⁷ [Rev. Ord. No. 34, § 61(a), 10-21-1912]

Any person who shall assault or beat or wound another, under such circumstances as not to constitute any other offense defined in this Chapter, shall be guilty of a misdemeanor.

SECTION 18-43. Throwing Stones or Other Substances Across or Upon Streets or Sidewalks.

15. State Law Reference — For similar provisions, see RSMo. § 576.010.

16. State Law Reference — For similar provisions, see RSMo. §§ 575.080-575.090.

17. State Law Reference — For similar provisions, see RSMo. § 560.070.

[Rev. Ord. No. 34, § 69, 10-21-1912]

Whoever shall, within the City, wantonly or mischievously throw or project any stone, brick, metal or other hard substance in, upon, over or across any street, alley, thoroughfare or other public place, or in, upon, over or across any private property, without lawful permission, shall be deemed guilty of a misdemeanor.

SECTION 18-44. Unlawful to Refuse Order of Court. [Ord. No. 79-20A § 2, 7-3-1979]

Any person who shall willfully, intentionally or deliberately refuse or fail to obey a lawful order of the Municipal Court shall be guilty of a misdemeanor.

SECTION 18-45. Escape from Custody. [Rev. Ord. No. 34, § 100, 10-21-1912]

Any person lawfully detained or imprisoned in the County Jail, or held in custody by an officer of the City, who shall break or escape from such imprisonment, or shall by force or violence escape, or attempt to escape from such prison, or from such officer, shall be deemed guilty of a misdemeanor.

SECTION 18-46. Leaving the Scene of a Motor Vehicle Accident. [Ord. No. 96-05 § 1, 5-14-1996]

- A. A person commits the crime of leaving the scene of a motor vehicle accident when being the operator or driver of a vehicle on the streets, alleyways or highways within the municipal limits of the City of Lexington, or on any publicly or privately owned parking lot or parking facility generally open for use by the public within the City limits of the City of Lexington, and knowing that an injury has been caused to a person or damage has been caused to property, due to his/her culpability or to accident, he/she leaves the place of injury, damage or accident without stopping and giving his/her name, place of residence, including City and street number, motor vehicle number and driver's license number, if any, to the injured party or to a Police Officer, or if no Police Officer is in the vicinity then to the nearest police station or judicial officer.
- B. For the purposes of this Section, all Peace Officers shall have jurisdiction, when invited by an injured person, to enter the premises of any privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident.
- C. Any violation of this Section shall be punishable under the general penalty Section of the ordinances of Lexington, Missouri, being Section 1-8.

SECTION 18-47. Domestic Assault. [Ord. No. 2001-47 § 1, 8-14-2001]

- A. 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 of a romantic or intimate nature with the actor, as defined in Section 455.010, RSMo., and:
 - 1. The person attempts to cause or recklessly causes physical injury to such family or household member; or

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
 3. The person purposely places such family or household member in apprehension of immediate physical injury by any means; or
 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
 5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
 6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.
- B. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars (\$5.00) or more than five hundred dollars (\$500.00), or may be imprisoned in the County Jail for not more than ninety (90) days, or both fined and imprisoned together with court cost therein.

SECTION 18-48. Disorderly Conduct. [Ord. No. 2007-39 § 1, 10-9-2007]

Any person who, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, or with the intent to cause violence to persons or property, commits any of the following acts shall be deemed to have committed the offense of disorderly conduct:

1. Acts in a violent or tumultuous manner toward another, whereby any person is placed in fear of safety of his/her life, limb or health.
2. Acts in a violent or tumultuous manner toward another, whereby property of any person is placed in danger of being destroyed or damaged.
3. Uses offensive, abusive, threatening or insulting language, conduct or behavior.
4. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.
5. Assembles or congregates with another or others for the purpose of causing, provoking or engaging in any fight or brawl, or for the purpose of doing bodily harm to another.
6. Jostles or roughly crowds or pushes any person in any public place.
7. Frequents any public place with intent to obtain money from another by an illegal and fraudulent scheme, trick, artifice or device.
8. Assembles with another or others for the purpose of engaging in any fraudulent, scheme, device or trick to obtain any valuable thing in any place or from any person in the City, or to aid or abet therein.
9. Any male person who accosts or attempts to force his company on any female.

10. Uses "fighting words" directed towards another who becomes outraged and thus creates turmoil.
11. Any person, by acts of violence, interferes with another's pursuit of a lawful occupation.
12. Congregates with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered by a Peace Officer or other lawful authority.
13. Congregates with others on any public street and refuses to move when ordered by a Peace Officer.
14. By his/her actions, causes a crowd to collect, except when lawfully addressing such crowd.
15. Stations himself/herself on the public street or follows pedestrians for the purpose of unlawfully soliciting alms.
16. Causes a disturbance in any bus or other public conveyance by running through it, climbing through windows or upon seats, or otherwise annoying passengers or employees therein.
17. Stands on sidewalks or street corners and makes insulting remarks to or about passing pedestrians and/or motorists.
18. Uses vulgar, obscene or profane language upon any street, alley, highway, sidewalk or in any public place.

SECTION 18-49. through SECTION 18-54. (Reserved)

**ARTICLE IV
Offenses Against Morals**

SECTION 18-55. Indecent or Profane Language in Public Conveyances. [Rev. Ord. No. 34, § 26, 10-21-1912]

Any person who, while being conveyed through or about the City in any public conveyance, shall be guilty of using indecent or profane language, or of cursing or swearing, or of any offensive or disorderly conduct, shall be deemed guilty of a misdemeanor.

SECTION 18-56. Indecent Exposure; Obscene Books, Acts. ¹⁸ [Rev. Ord. No. 34, § 28, 10-21-1912]

Any person who shall, within the City, appear in any public place in a state of nudity or in an indecent or lewd dress, or shall make an indecent exposure of his person, or be guilty of any obscene or lewd conduct, act or behavior, or shall exhibit, sell or offer to sell any obscene or lewd book, picture or other thing, or shall exhibit or perform, or permit to be exhibited or performed upon premises under his management or control, any obscene, immoral or lewd play, show or representation, shall be deemed guilty of a misdemeanor.

¹⁸. State Law Reference — Public indecency, RSMo. § 66.130 et seq.

SECTION 18-57. Prostitution Generally. ¹⁹

It shall be unlawful for any person to engage in, perform in or participate in any form of sexual intercourse for hire, or offer to do so, within the City.

SECTION 18-58. through SECTION 18-64. (Reserved)

SECTION 18-65. Purchase or Possession by Minor Prohibited. [Ord. No. 83-16A §§ 1 — 5, 11-1-1983; Ord. No. 2007-20 § 1, 5-8-2007]

- A. It shall be unlawful for any person under the age of twenty-one (21) years to purchase or attempt to purchase or have in his possession any intoxicating liquor or non-intoxicating beer as defined by Chapter 311 and Chapter 312, RSMo., 2000, or who is visibly intoxicated as defined in Section 577.001, RSMo., and as the same is amended from time to time, or who has a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weigh of alcohol in such person's blood.
- B. Possession shall include both exclusive control and group control, joint, non-exclusive, care, custody, possession or control of any such substance.

SECTION 18-66. through SECTION 18-75. (Reserved)

**ARTICLE V
Weapons**

SECTION 18-76. Dangerous and Concealed Weapons. ²⁰ [Rev. Ord. No. 34 § 5, 10-21-1912]

If any person shall carry concealed upon or about his person a dangerous or deadly weapon of any kind or description, or shall go into any church or place where people have assembled for religious worship, or into any schoolroom or place where people are assembled for educational, political, literary or social purposes, or to any election precinct on any election day, or into any courtroom during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under militia law of this State, having upon or about his person, concealed or exposed, any kind of firearm, bowie knife, springback knife, razor, metal knucks, billy, sword can, dirk, dagger, sling shot or other similar deadly weapon or shall, in the presence of one (1) or more persons, exhibit any such weapon in a rude, angry or threatening manner, or shall have any such weapon in his possession when intoxicated, or, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be deemed guilty of a misdemeanor. Nothing contained in this Section shall apply to legally qualified Sheriffs, Police Officers, and other persons whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the public peace, nor to persons traveling in a continuous journey peaceably through the City.

SECTION 18-77. Discharge of Weapons. [Rev. Ord. No. 34, § 16, 10-21-1912]

19. State Law Reference — Prostitution, RSMo. §§ 567.020 — 567.030.

20. State Law Reference — For similar provisions, RSMo. § 571.030.

Any person, within the City, who shall fire off or discharge any rifle, shotgun, carbine, musket, pistol, revolver or other firearm or ordnance, or any cat gun, spring gun or air gun, or who shall throw any rock, pebble or hard substance by hand, or by means of a sling, crossbow, India-rubber band or bow, or by any other means shall be deemed guilty of a misdemeanor; provided, that nothing in this Section shall be so construed as to prevent the discharge of firearms by the City Police, by the State Militia on parade days, or by any detachment of the United States Army, when done by command of the proper officer; nor shall it be construed so as to prevent the firing of cannons or other firearms on days of public celebration.

SECTION 18-78. Same — Excepted from Provisions of Sections 18-76 and 18-77. [Ord. No. 92-07 § 1a, 6-8-1992]

The provisions of Sections 18-76 and 18-77 shall not apply to personnel of any component of the Armed Forces of the United States or this State when in discharge of their official duties as such and acting under orders requiring them to carry weapons; or to civil officers of the United States, this State or any political subdivision thereof while in the discharge of their official duties; or to the use of firearms at military funerals, athletic events and other appropriate occasions when only blank ammunition is used and proper safety precautions are taken, or to approved firing ranges, licensed shooting galleries or upon or within private grounds or premises under circumstances when the weapon or device can be fired, discharged or operated in such a manner as not to endanger persons or property and also in such manner as to prevent the projectile from traversing any ground or space outside the limits of such range, gallery, or grounds upon Council approval; or to prevent the carrying of any type of firearm whatsoever, unless it is unloaded and properly cased, to or from any range or gallery or to and from an area where hunting is allowed by law; or to any person acting lawfully in the defense of life or property.

SECTION 18-79. Discharging Arrows from Bow or Crossbow Prohibited — Exceptions. [Ord. No. 92-07 § 1b, 6-8-1992]

Any person who shall discharge arrows from a bow or crossbow in the City, or any person having temporary custody of a minor who shall permit such minor to discharge arrows from a bow or crossbow in the City, except for the following purposes, and then only under conditions which do not endanger the life or property of any person, shall be deemed guilty of a misdemeanor:

1. The shooting of same on a regularly established range pursuant to a permit issued by the City therefor.
2. The shooting of same by one whose business entails the testing of such equipment in established facilities constructed and maintained for such purposes.

SECTION 18-80. Firearms in City Buildings. [Ord. No. 2004-07 § 1, 3-9-2004]

- A. No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under Sections 571.101 to 571.121, RSMo., or who has been issued a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building

owned, leased or controlled by the City.

- B. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the City stating that carrying of firearms is prohibited. Where the City 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 Section shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges or private dwellings owned, leased or controlled by the City.
- D. Any person violating this Section may be denied entrance to the building or ordered to leave the building. Any City employee violating this Section may be disciplined. No other penalty shall be imposed for a violation of this Section.
- 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 City.

SECTION 18-81. through SECTION 18-88. (Reserved)

**ARTICLE VI
Nuisances**

**Division 1
Generally**

SECTION 18-89. Creating, Maintaining Prohibited. ²¹ [Ord. of 5-5-1970, § 1]

No person shall cause or maintain any nuisance as defined by the laws of this State, or the ordinances of the City or cause or maintain any such nuisances within the City or within one (1) mile of the corporate limits thereof.

SECTION 18-90. What Constitutes Nuisance Generally. [Ord. of 5-5-1970, § 2]

Any act done or committed or suffered to be done or committed by any person, or any substance or thing kept, maintained, placed or found in or upon any public or private place within the City which is injurious or dangerous to the public health is hereby declared a nuisance. All pursuits followed or acts done within the City by any person to the injury, annoyance, inconvenience, or damage to the public is hereby declared a nuisance.

SECTION 18-90.1. Accumulation of Refuse, Junk, Trash — Penalty. [Ord. No. 84-19, §§ 1,2, 6-27-1984; Ord. No. 2005-19 § 1, 6-14-2005]

- A. It shall be unlawful for any person owning, possessing, or occupying any premises within the City to allow for a period in excess of ten (10) days refuse, junk and/or trash to

21. State Law Reference — For similar provisions, see RSMo. § 77.530.

accumulate or remain upon such premises to an extent or in such manner as to be unsightly, dangerous or detrimental to the life, health, property or safety of any person in the City.

B. As used in this Section, these terms shall have the following meanings:

JUNK — Old or scrap lead, iron, steel, aluminum, copper, brass, rope, rags, batteries, glass, dismantled, or wrecked automobiles and/or appliances, or parts thereof, or other old or scrap ferrous or nonferrous material.

JUNK YARD — An establishment, area, location, place of business, or other premises maintained, operated, used or permitted to be used, for the storing, keeping, buying, selling, or collecting of junk as defined herein; or for the operation of an automobile graveyard, garbage dump or sanitary fill.

UNSIGHTLY — Presenting an appearance or scene in plain view of the public which is dissimilar in nature and quality to the view presented by adjoining premises in the immediate proximity and constituting a junk yard as defined herein.

C. *Penalties.* Any person violating a provision of this Section shall be deemed guilty of a misdemeanor, and each day of violation shall be considered a separate offense. Upon conviction, the offenses herein prescribed are punishable by confinement for a term not exceeding ninety (90) days and/or by fine in an amount not exceeding five hundred dollars (\$500.00).

D. It shall be unlawful for any person who is the owner, agent, tenant or occupant of any premises to allow or cause any of the following items to remain on such premises for longer than forty-eight (48) hours in any outside area which can be viewed from a ground location off the premises: any appliance manufactured for indoor use only, bedding, bottles, boxes, broken glass, cans, cardboard, cartons, furniture manufactured for indoor use only, jars, machine parts, motor vehicle parts, pallets, paper, plumbing fixtures, rags, scrap metal, abandoned/unusable tires unless covered for reuse, abandoned/unusable tire rims unless covered for reuse and water heaters.

SECTION 18-90.2. Vehicle Parking and Storage — Unapproved Areas. [Ord. No. 2012-27 § I, 8-14-2012]

A. *Definitions.* The following definitions shall apply to this Section:

INOPERABLE VEHICLE — A licensed or unlicensed vehicle, powered or unpowered, or component thereof, including truck/trailer beds/boxes, that is incapable of operating if it meets one (1) or more of the following criteria: it has flat or missing tire/s or wheel/s, is wrecked or junked; is wholly or partially dismantled, a motorized vehicle incapable of moving under its own power, watercraft not on a dedicated wheeled vehicle, has vegetation or debris which has collected in or around or under the vehicle, is used for storage of any kind, is being used for on-site human, animal or fowl habitation.

UNIMPROVED AREAS — Those areas not paved with a concrete, asphalt or other sealed surface pavement material capable of supporting all vehicles used thereon and in all weather conditions without emitting dust or mud onto the adjacent street or adjoining property during use. Land or gravel surface covered with vegetation, such as grass, weeds, or other vegetation, is

considered an unimproved area.

VEHICLE — Any device, or component thereof, in, upon or by which any person or property is or may be transported or pulled upon a highway, street or waterway, including, but not limited to, travel trailer, camper, motor home/coach, trailers of all kinds, trucks of all sizes, cars, buses, boats, and off-road vehicles. Devices moved by human power or used exclusively upon stationary rails or tracks are not deemed to be a vehicle.

B. The following are declared to be nuisances:

1. The parking of any vehicle on grassy or unimproved areas. (Excluding gravel driveways and gravel parking areas existing before passage of this Section, and rear yard compacted gravel pads as permitted by Lexington City Code Section 29-30.)
2. The open storage of an inoperable, licensed or unlicensed, vehicle on any type surface for a period of thirty (30) days or more.

C. *Exceptions.*

1. Subsection (B) above shall not apply to any vehicle (except when used for on-site human, animal or fowl habitation) parked or stored in a completely enclosed building or fenced area, and not visible from adjacent public or private property. Nor shall this Subsection apply to any vehicle upon the property of a business licensed as a salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with the Lexington City Code.
2. *Agricultural zones.* Subsection (B) above shall not apply to any vehicle (except when used for on-site human, animal or fowl habitation) located on agriculturally zoned lots provided the vehicles are set back from the property line a minimum of one hundred (100) feet.

SECTION 18-91. Unsafe Structures. [Ord. of 5-5-1970, § 2]

All buildings, bridges, or other structures of whatever character kept or maintained, or which are permitted by any person owning or having control of the same to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public is hereby declared a nuisance.

SECTION 18-92. Offensive Odors. [Ord. of 5-5-1970, § 2]

All privies or privy vaults kept in such a condition as to emit an offensive, noxious or disagreeable odor, and all substances emitting an offensive, noxious, unhealthy or disagreeable odor in the neighborhood where they exist within the City are hereby declared a nuisance.

SECTION 18-93. (Reserved) ²²

22. Editor's Note-Ord. no. 2009-08 § 2, adopted February 24, 2009, repealed section 18-93 "Obstruction and Filth on Public Ways" in its entirety. Former section 18-93 derived from ord. of 5-5-1970 § 2; ord. no. 92-09 §§ 1 — 2, 6-8-1992.

SECTION 18-94. Offensive Substances Thrown onto Public or Private Property. [Ord. of 5-5-1970, §§ 3-5]

- A. Any animal, vegetable matter or other substance whatever which is or may become putrid, offensive or unhealthy thrown into or upon any public or private property within the City is hereby declared a nuisance.
- B. Any filth, garbage, foul or unclean water, from any kitchen, house, tenement, or other place, within the City, conducted, cast, thrown or allowed to escape into or upon any public or private property is hereby declared a nuisance.
- C. Any offal, blood, filth, manure, rubbish, still slops, or any refuse, animal, vegetable matter or any unclean, foul or nauseous liquor, which shall be discharged out or from any premises in the City owned or occupied by any tanner, dyer, livery stable keeper, pork or beef packer, soap boiler, tallow chandler, butcher or any other person, thrown into, deposited on or left in any stream of water within the City, or on any sidewalk, street, alley, or other public place or upon any vacant lot in the City is hereby declared a nuisance.

SECTION 18-95. Keeping Offensive Substances. [Ord. of 5-5-1970, § 24]

It is hereby declared a nuisance for any person to allow any putrid or unwholesome meats or fish, decayed fruits or vegetables, refuse, offal, excrement, chamber lye or other filthy, offensive substance or thing to be or remain in or upon any house, building, lot or premises owned or occupied by him or under his charge and control.

SECTION 18-96. (Reserved) ²³

SECTION 18-97. Tenement, Boardinghouses. [Ord. of 5-5-1970, § 14]

Every tenement, boardinghouse, lodging house or any building used for such purpose, or any part thereof, within the City which is leased, let or rented for lodging purposes and which is not sufficiently lighted or ventilated and provided with water, and kept in a clean and sanitary condition, or in which the strength, ventilation, light or sewerage is in any manner insufficient or prejudicial to life or health, or which does not have adequate or properly constructed privies or water closets shall be deemed a nuisance.

SECTION 18-98. Storage of Explosives. [Ord. of 5-5-1970, § 15]

Any house, building or tank within the City used for the special or exclusive storage of powder, dynamite, nitroglycerin, coal oil or other explosive substances detrimental to the public health, or where endangering quantities of such explosives are kept exposed or insecure for the purpose of display or in any manner so as to endanger human life is hereby declared a nuisance.

SECTION 18-99. Barbed Wire Fences. [Ord. of 5-5-1970, § 21; Ord. No. 2008-07 § 1, 3-11-2008]

No person shall, without first obtaining special permission from the City Council, except as

23. Editor's Note-Ord. no. 2009-08 § 2, adopted February 24, 2009, repealed section 18-96 "Unsafe Sidewalks, Gutters and Curbstones" in its entirety. Former section 18-96 derived from ord. of 5-5-1970 § 2.

permitted in Chapter 29, Zoning, Article II, build or place or cause to be built or placed any fence composed in whole or in part of barbed wire on the line of or adjacent to any highway, street, alley or other public place, and any such fence which may be built without such permission, or which having been built by such permission shall not be removed at the expiration of ten (10) days after notice requiring the removal thereof has been served by order of the Council upon the owner, agent or tenant of the premises upon which such fence is situated is hereby declared to be a nuisance.

SECTION 18-100. Stagnant, Foul Water and Liquid. [Ord. of 5-5-1970, § 2]

Any pond or pool of stagnant water within the City and all foul or dirty water or other liquid when discharged through any drainpipe or spout, or thrown into or upon any street, alley, thoroughfare or lot within the City to the injury and annoyance of the public is hereby declared a nuisance.

SECTION 18-101. Obstructing, Throwing Substances into Water Courses and Drains. [Ord. of 5-5-1970, § 6]

It is hereby declared a nuisance to throw into any branch, stream, drain or watercourse within the City, any dead animal or fowl or any filthy substance, or to place therein any obstruction whatever.

SECTION 18-102. Foul Cellars, Vaults, Etc. [Ord. of 5-5-1970, § 11]

Any cellar, vault, private drain, pool, privy, sewer or sink which is nauseous, foul, offensive or injurious to the public health is hereby declared a nuisance.

SECTION 18-103. Wells and Cisterns Containing Unwholesome Water. [Ord. of 5-5-1970, § 13]

Any well or cistern on any property within the City shall be deemed a nuisance whenever a chemical analysis shows that the water of such well or cistern is of an impure or unwholesome nature.

SECTION 18-104. Keeping Animals and Fowl in Unwholesome Surroundings. [Ord. of 5-5-1970, § 12]

Whenever any stable, shed or apartment, or any yard or appurtenance thereof, in which any horse, mule, cattle, sheep, cow or swine or any other animal or fowl shall be kept, or any place within the limits of the City in which manure or liquid discharges of such animals shall collect or accumulate, and which stable, stall, shed or apartment, or any yard or appurtenance thereof, is not kept in a clean and wholesome condition so that no offensive smell shall be allowed to escape therefrom shall be deemed a nuisance; provided, that nothing in this Section shall be so construed as to include manure deposits upon any private property for the purpose of cultivating the same.

SECTION 18-105. Offensive Animal Pens. [Ord. of 5-5-1970, § 2]

All stables, cattle yards, hog, sheep or cow pens within the City permitted by the persons owning or controlling the same to be in such a condition as to become offensive, annoying or injurious to

the public are hereby declared a nuisance.

SECTION 18-106. Keeping Dead Animals in City. [Ord. of 5-5-1970, § 7]

It is hereby declared a nuisance for the owner or keeper of any animal or fowl which may die to permit the same to remain within the City for a longer period of time than twelve (12) hours after such animal or fowl has died.

SECTION 18-107. Bringing Diseased or Injured Animals into City. [Ord. of 5-5-1970, § 25]

It is hereby declared a nuisance for any person to bring or cause to be brought into the City any diseased or injured animal of any kind that is usually slaughtered for food.

SECTION 18-108. Killing Diseased or Injured Animals for Food Value. [Ord. of 5-5-1970, § 26]

It is hereby declared a nuisance for any person to kill any diseased or injured animal with a view to or for the purpose of having the carcass dressed or prepared for food purposes, or to sell, give away or in any manner dispose of, or offer to sell, give away or in any manner dispose of for use as food all or any part thereof.

SECTION 18-109. Slaughterhouses. [Ord. of 5-5-1970, § 8]

All slaughterhouses situated within the City are hereby declared to be public nuisances.

SECTION 18-110. Steaming and Rendering Animal Substances. [Ord. of 5-5-1970, § 9]

The steaming, boiling or rendering of any offal, tainted or damaged tallow or lard, or the steaming and rendering of any animal substance, in such a manner as to occasion an offensive smell, or which will by undergoing such process of steaming, boiling or rendering it unwholesome or offensive to smell within the City is hereby declared to be a nuisance.

SECTION 18-111. Storing and Keeping Offensive Hides. [Ord. of 5-5-1970, § 10]

The placing or storing of any green or salted hides in any store, warehouse or other place or building within the City, causing an offensive odor to arise from said hides, to the injury or annoyance to the occupant of any house, store, place or building, or those residing in the vicinity thereof, or the general public is hereby declared a nuisance.

SECTION 18-112. through SECTION 18-115. (Reserved)

Division 2
Abatement

SECTION 18-116. Right of Entry of City Officials. [Ord. of 5-5-1970, § 19]

The City Marshal, Policemen of the City, members of the City Council and Board of Health are hereby authorized to enter upon any premises within the City in order to ascertain the existence or location of any nuisance, and to ascertain the name of any person causing or maintaining the same or for the purpose of abating the same.

SECTION 18-117. Notice to Abate; Service of Notice. [Ord. of 5-5-1970, § 20]

It shall be the duty of the City Marshal, whenever he is notified by the City Council or the Board of Health, to forthwith give a written notice to the person causing or maintaining a nuisance to abate the same within a reasonable time to be specified in the notice. In the event that the City Marshal shall not give the notice within a reasonable time, the Mayor, Council or any member thereof may cause such written notice to be given. Such notice may be served by the City Marshal or any Police Officer of the City. A copy of the notice shall be kept by the Officer serving the same, who shall make his written return thereon stating how, when, on whom and where he served the same, and subscribe his name thereto. The notice may be served by delivering the same to the person to be notified, or a copy may be left at the usual place of abode of such person with a member of his family over the age of fifteen (15) years or in the event that said person cannot be found within the City, the notice may be served by depositing said notice in the U.S. mail addressed to said person at his last known address.

SECTION 18-118. Failure to Comply with Notice to Constitute Violation. [Ord. of 5-5-1970, § 27]

Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate required by Section 18-117, shall be deemed guilty of a misdemeanor, and punished in accordance with Section 1-8.

SECTION 18-119. Cost of Abatement by City May be Charged to Owner in Addition to Fine and Penalty. [Ord. of 5-5-1970, § 28]

If upon the trial and conviction of any person for causing or maintaining any nuisance, it shall appear that the nuisance complained of continues to exist, the Municipal Judge may, in addition to the penalty imposed for causing or maintaining such nuisance, make an order directing the City Marshal to abate the nuisance forthwith and report the expense thereof to the Municipal Judge, who may make the same a part of the judgment in addition to the fine imposed, the same to be collected as other fines and penalties.

SECTION 18-120. Summary Abatement by City; Special Tax Against Property; Lien; Suit to Collect Tax. [Ord. of 5-5-1970, § 29]

- A. The City Council is authorized to prevent, abate and remove in a summary manner, and in a manner specified by special ordinance or resolution, any nuisance existing on any private property within the City, and to assess the costs and expenses incurred by the City in removing or abating such nuisance as a special tax against property, and issue a special tax bill against the same in the name of the owner of such property; provided, that such nuisance was caused by such owner, or by his agent or any other person with the consent of such owner.
- B. The special tax so levied and the special tax bill so issued against said property for the costs and expenses of such abatement, or removal of such nuisance, shall be a special lien against such property in the same manner and with the same effect that special tax bills are for paving streets, paid for by special assessments.
- C. Such special tax bill shall be in favor of the City and the same may be collected by suit thereon, in the name of the City, in its own behalf, in any Court of competent jurisdiction,

and said levy, special assessment and tax bills and all matters and things incident and pertaining thereto, shall insofar as practicable, conform with the levy, special assessment and tax bill for the paving of streets, paid for by special assessments.

SECTION 18-121. When Abatement is to be at Expense of City. [Ord. of 5-5-1970, § 31]

Should any nuisance exist in the City, the abatement or removal of which is not prescribed or provided for in this Code, the same shall be abated or removed by the City Marshal at the expense of the City.

SECTION 18-122. Code Abatement Services. [Ord. No. 2012-23 § I, 7-24-2012]

Abatement of code violations shall be the actual cost(s) for contracted service(s) plus one hundred dollars (\$100.00) administrative charge and twenty-four dollars (\$24.00) filing fee.

SECTION 18-123. through SECTION 18-128. (Reserved)

**ARTICLE VII
Curfew For Minors**

SECTION 18-129. Definitions. [Ord. of 12-5-1960, § 1]

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

HIGHWAY — Any road, lane, dock, wharf, or any terminal or continuance of a roadway open to the public.

PARENT OR GUARDIAN — The actual parent, legal guardian or a person having the care, custody or control of a minor by consent of the parent, legal guardian or by court action.

PUBLIC PLACE — Includes, but is not limited to, places of amusement, parks, playgrounds, dance halls and similar premises open to the public.

STREET — Any alley, thoroughfare, pathway or other course of travel open to the public.

UNOCCUPIED PREMISES OR GROUNDS — All areas and premises of the City, except those premises designed as dwellings or places of residences and presently occupied by such residents.

SECTION 18-130. Established; Exemptions. [Ord. of 12-5-1960, § 2]

- A. It shall be unlawful for any person under the age of seventeen (17) years to congregate, loiter, or be on the streets, highways, public places or upon unoccupied premises or grounds in the City after the hour of 11:59 P.M. on Saturday and 10:59 P.M. on every other night.
- B. The curfew established by Subsection (A), shall not apply to any person under seventeen (17) years of age who is accompanied by his parent or legal guardian or is sent by his parent or guardian on some urgent business or errand which renders it necessary for him to be abroad after the established curfew hours, in which case such person shall personally have with him the written consent of his parent or guardian. Nothing in Subsection (A)

shall be interpreted as prohibiting minors from traveling over or along public streets by direct route to and from work in the regular course of employment where such occupation and employment has been approved by authorities under the procedure outlined by Statute and such minor has in his possession evidence of such approval.

SECTION 18-131. Parents or Guardians Permitting Violations. [Ord. of 12-5-1960, § 3]

It shall be unlawful for any parent or guardian to willfully or negligently permit a minor under the age of seventeen (17) years who is subject to his custody to violate any of the provisions of this Article, nor shall any such parent or guardian issue a written consent as provided in Section 18-130, except in cases of necessity.

SECTION 18-132. Person Other than Parent or Guardian Accompanying Minor Violating Curfew. [Ord. of 12-5-1960, § 4]

It shall be unlawful for any person, not a parent or guardian, to accompany, congregate or loiter with any person under the age of seventeen (17) years on any public street, highway, public place or upon unoccupied premises in the City during the curfew hours established by this Article, except by and with the express consent of the parent or guardian of the minor.

SECTION 18-133. Violations. [Ord. of 12-5-1960, § 5]

- A. Any person over the age of seventeen (17) years violating any provisions of this Article shall be guilty of a misdemeanor and upon conviction, shall be punished in accordance with Section 1-8 of this Code.
- B. Any person under seventeen (17) years of age violating the provisions of this Article, shall be dealt with according to the appropriate State juvenile laws.