



**CITY OF OSAGE BEACH
BOARD OF ALDERMEN MEETING**

1000 City Parkway
Osage Beach, MO 65065
573/302-2000 FAX 573/302-0528
Email: www.osagebeach.org

AMENDED TENTATIVE AGENDA

**REGULAR MEETING
December 15, 2016 – 6:00 P.M.
CITY HALL**

******* Note: Make sure your cell phone is turned off or on a silent tone only. Please sign the attendance sheet located at the podium if you desire to address the Board. Agendas and packets are available on the back table and on the City's website at www.osagebeach.org.**

**CALL TO ORDER
Pledge of Allegiance
Roll Call**

MAYOR'S COMMUNICATIONS

CITIZENS' COMMUNICATIONS

- This is a time set aside on the agenda for citizens and visitors to address the Mayor and Board on any topic that is not a public hearing. The Board will not take action on any item not listed on the agenda, but the Mayor and Board welcome and value input and feedback from the public. Speakers will be restricted to three minutes unless otherwise permitted. Minutes may not be donated or transferred from one speaker to another.

APPROVAL OF CONSENT AGENDA

If the Board desires, the consent agenda may be approved by a single motion.

- Minutes of 12/01/16 (Page 1)
- Bills List (Page 8)
- Liquor License – Gin & Grits Bar & Grill (Page 26)

UNFINISHED BUSINESS.

- A. Bill No. 16-84. Adopting an annual budget for the fiscal year beginning January 1, 2017, and ending December 31, 2017.
Second Reading (Page 27)
- B. Bill No. 16-85. Establishing a New Section 135.020.C. Reserves. to the City Code adopting Reserve Fund Target Levels.
Second Reading (Page 29)
- C. Bill No. 16-87. Rezoning Case: 393: Requesting approval to rezone 8.69 acres to C-1 (General Commercial) with an E-2 (Entertainment Overlay) for the construction of a pool with an outdoor bar and accessory facilities.
Second Reading (Page 32)

NEW BUSINESS

- A. Bill No. 16-88. Amending Appendix A of Section 710.410 Sewer System Division Charges.
First Reading. (Page 33)
- B. Bill No. 16-89. Repealing Chapter 210 Offenses and Replacing Chapter 210 Offenses To comply with Senate Bill 491 and House Bill 1371 Passed by the 2014 Missouri State Legislature .
First and Second Readings (Page 38)
- C. Authorization to Purchase Grinder Pumps Rebuild Parts from Municipal Equipment Company For \$59,176.05 plus associated Freight Charges. (Page 108)
- D. Authorization to Purchase 69 Grinder Pumps from Municipal Equipment Company for \$175,815 plus Associated Freight Charges. (Page 111)
- E. Authorization to Allow Staff to Work on Creek Cove Lane for the Osage Beach Special Road District. (Page 114)
- F. Motion to approve Lake of the Ozarks Tri-County Lodging Association (TCLA) FY2016 Media Partnership Payment of \$25,000. (Page 116)
- G. Motion to authorize upgraded internet connections with managed router service from AT&T for the Osage Beach City Park. (Page 120)
- H. Request to reschedule the Thursday, January 5, 2017, at 6:00 p.m. Board of Aldermen Meeting to Tuesday, January 3, 2017, at 6:00 p.m. (Page 130)

COMMUNICATIONS FROM MEMBERS OF THE BOARD OF ALDERMEN

STAFF COMMUNICATIONS

ADJOURN

Representatives of the news media may obtain copies of this notice by contacting the following:

Cynthia Lambert, City Clerk
1000 City Parkway
Osage Beach, MO 65065
573-302-2000 ex 230

If any member of the public requires a specific accommodation as addressed by the Americans with Disabilities Act, please contact the City Clerk's office forty-eight hours in advance of the meeting at the above telephone number.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
OF THE CITY OF OSAGE BEACH, MISSOURI

December 1, 2016

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, December 1, 2016, at 6:00 p.m. at City Hall. The following were present: Mayor John Olivarri, Alderman Jeff Bethurem, Alderman Phyllis Marose, Alderman Ron Schmitt, Alderman Lee Schuman, and Alderman Kevin Rucker. Absent was Alderman Tom Walker. Cynthia Lambert, City Clerk, was present and performed duties of that office.

Mayor's Communications.

Mayor Olivarri presented the City Treasurer, Karri Bell, the Certificate of Achievement for Excellence in Financial Reporting awarded by the Government Finance Officers Associates (GFOA) for comprehensive annual financial report for 2015. Mayor Olivarri noted that this was the 17th consecutive year the City of Osage Beach had received this prestigious award. Treasurer Bell noted that it was a citywide award as all departments contributed in making it possible.

Mayor Olivarri noted that the next Parkway West Study Meeting had been scheduled for December 7, 2016, at 6 p.m. at City Hall in the Boardroom. Mayor Olivarri encouraged all to attend.

Mayor Olivarri extended a "thank you" to the Elks Lodge for another excellent Veteran's Day parade which had increased participation and excellent attendance.

Citizens Communications.

No one was present who wished to address the Board at this time.

Consent Agenda.

Alderman Bethurem moved to approve the consent agenda which included Minutes of the Special Meetings of October 25, 2016, October 27, 2016, and November 2, 2016, and the Regular Meeting held on November 3, 2016, and the bills list as submitted. Alderman Marose seconded the motion which was voted, on and unanimously passed.

Unfinished Business.

Bill No. 16-82. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING A NEW SECTION 245.030.E.7 OF THE OSAGE BEACH CODE OF ORDINANCES DELEGATING TO THE CITY ADMINISTRATOR THE POWER TO ORDER ANY POND, STREAM, OR OTHER BODY OF WATER INCLUDED

WHOLLY WITHIN A CITY PARK CLOSED TO FISHING, SWIMMING, BOATING, ICE SKATING, OR OTHER RELATED ACTIVITIES.

Alderman Marose moved to approve the second and final reading of Bill No. 16-82 as presented. Alderman Bethurem seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 16-82 and to pass same into ordinance: “Ayes”: Alderman Rucker, Alderman Marose, Alderman Schuman, Alderman Schmitt, and Alderman Bethurem. “Nayes”: None. Absent : Alderman Walker. Bill No. 16-82 was passed and approved as Ordinance No. 16.82.

New Business.

Public Hearing. – REZONING CASE NO. 393. GRAND TETON MOUNTAIN INVESTMENTS LLC REQUEST FOR REZONING 8.69 ACRES TO C-1 (GENERAL COMMERCIAL) WITH AN E-2 (ENTERTAINMENT OVERLAY).

City Planner Cary Patterson gave a brief description of Rezoning Case No. 393 noting that the Planning Commission has unanimously approved the request. There were no public comments for or against the request. The Board had no questions at this time. Mayor Olivarri then closed the Public Hearing for Rezoning Case No. 393.

Public Hearing - 2017 BUDGET ADOPTION. City Administrator Jeana Woods stated that there had been three Budget Work Sessions, wherein budget items were discussed. Woods noted that following the Work Sessions various line items were updated to reflect changes approved and updates needed and were reflected in Draft #2 of the 2017 Fiscal Budget. There were no public comments for or against the request. The Board had no questions at this time. Mayor Olivarri then closed the Public Hearing for the 2017 Budget Adoption request.

Bill No. 16-83. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING, ESTABLISHING, AND PROVIDING FOR THE ELECTION PROCEDURE TO BE FOLLOWED FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD APRIL 4, 2017, IN THE CITY OF OSAGE BEACH, MISSOURI AND ESTABLISHING A PROCEDURE FOR THE ORDER OF CANDIDATES ON THE BALLOT PURSUANT TO SECTION 115.124 OF THE REVISED STATUTES OF MISSOURI.

City Attorney Rucker reviewed the ordinance and highlighted that it established a random lotter for the appearance of candidates on the ballot for candidates who file on the first day of filing. In addition, City Attorney Rucker noted that the ordinance would address this issue in the Code so it would remain the same every year unless the Board wanted to make

changes it in future. Alderman Rucker inquired if this ordinance would be brought to the Board annually. City Attorney Rucker advised it would not, unless the Board wished to change the procedure.

Mayor Olivarri presented the first reading of Bill No. 16-83 by title only. It was noted that Bill No. 16-83 had been available for public review. Alderman Bethurem moved to approve the first reading of Bill No. 16-83 as presented. Alderman Marose seconded the motion which was voted on and passed.

Alderman Schmitt asked for clarification of Section III of the Ordinance. City Attorney Rucker explained the change would be made a part of the Code.

Mayor Olivarri presented the second and final reading of Bill No. 16-83 as presented. It was noted that Bill No. 16-83 had been available for public review.

Alderman Bethurem moved to approve the second and final reading of Bill No. 16-83 as presented. Alderman Schuman seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 16-83 and to pass same into ordinance: "Ayes": Alderman Rucker, Alderman Schmitt, Alderman Marose, Alderman Bethurem, and Alderman Schuman. "Nays": None. Absent: Alderman Walker. Bill No. 16-83 was passed and approved as Ordinance No. 16.83.

Bill No. 16-84. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017, AND ENDING DECEMBER 31, 2017, AND APPROPRIATING FUNDS PURSUANT THERETO.

City Administrator noted that approved changes and adjustments were made to the Budget following the Work Session and were reflected in Draft #2 of the 2017 Budget which had been sent to them electronically for their review. City Administrator highlighted one change which had been made after further discussions and research, which including listing the IT capital purchase as a possible lease purchase instead of the HVAC system for City Hall. Woods further noted that in either case, when the City is ready to move forward with the projects, staff would bring it forward to the Board at that time for their approval.

Alderman Rucker asked that an e-mail be sent to Board members which listed the page numbers of the changes made as outlined in the City Administrators memo.

City Attorney Rucker noted that Exhibit A as outlined in Section 2 of Ordinance 16.84 was the BOA Draft #2 of the City of Osage Beach Fiscal Year 2017 Budget.

Mayor Olivarri presented the first reading of Bill No. 16-84 by title only. It was noted that Bill No. 16-84 had been available for public review. Alderman Bethurem moved to

approve the first reading of Bill No. 16-84 as presented. Alderman Schuman seconded the motion which was voted on and passed.

Bill No. 16-85. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING A NEW SECTION 135.020.C. RESERVES. TO THE OSAGE BEACH CODE OF ORDINANCES ADOPTING RESERVE FUND TARGET LEVELS.

City Administrator Jeana Woods stated that the ordinance would establish various Reserve Fund target levels. Alderman Rucker inquired if the ordinance would need to be adopted annually. City Administrator Woods stated that unless there were significant changes that needed to be addressed, the ordinance would not need to be approved annually.

Mayor Olivarri presented the first reading of Bill No. 16-85 by title only. It was noted that Bill No. 16-85 had been available for public review. Alderman Bethurem moved to approve the first reading of Bill No. 16-85 as presented by title only. Alderman Marose seconded the motion which was voted on and unanimously passed.

Bill No. 16-86. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI AMENDING THE HUMAN RESOURCES SYSTEM (PERSONNEL) RULES AND REGULATIONS CHAPTER 125 SECTION: 125.050 PAY AND COMPENSATION AND SECTION: 125.110 PROBATIONARY PERIOD.

Human Resources Generalist Cindy Leigh reviewed the various changes to Chapter 125 which had been requested. Discussion followed regarding changes that were being made to adjustments in merit increases, defining overtime and how calculated, as well as clarification of probationary periods. Additional discussion followed regarding overtime and probationary period extensions. City Attorney Rucker stated a clarification of the wording could address their concerns.

A motion was made by Alderman Bethurem and seconded by Alderman Marose to amend the first sentence of the new Section H. of the Merit Increase Policy as set out in Bill No. 16-86 to read as follows: *If an employee is placed on a 3-month probation and has not improved his/her performance enough to be removed from probation, he/she may be given an additional 3 months to improve.* All voted in favor.

Mayor Olivarri presented the first reading of Bill No. 16-86 as amended by title only. It was noted that Bill No. 16-86 had been available for public review. Alderman Bethurem moved to approve the first reading of Bill No. 16-86 as presented. Alderman Marose seconded the motion which was voted on and passed.

Mayor Olivarri presented the second and final reading of Bill No. 16-86 as amended. It was noted that Bill No. 16-86 had been available for public review.

Alderman Bethurem moved to approve the second and final reading of Bill No. 16-86 as presented. Alderman Marose seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 16-86 and to pass same into ordinance: “Ayes”: Alderman Rucker, Alderman Schmitt, Alderman Marose, Alderman Bethurem, and Alderman Schuman. “Nays”: None. Absent: Alderman Walker. Bill No. 16-86 was passed and approved as Ordinance No. 16.86.

Bill No. 16-87. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CITY OF OSAGE BEACH, MISSOURI.

Alderman Bethurem commended the owners of Backwater Jacks for making continued improvements to their facility.

Mayor Olivarri presented the first reading of Bill No. 16-87 by title only. It was noted that Bill No. 16-87 had been available for public review. Alderman Bethurem moved to approve the first reading of Bill No. 16-87 as presented. Alderman Rucker seconded the motion which was voted on and passed.

Alderman Rucker asked for clarification regarding the two properties. City Planner Patterson explained the division of property by the owner.

Motion to Approve Mutual Aid Agreements with Lake West Ambulance District

Police Chief Davis stated that the request was for approval of the renewal of the existing Mutual Aid Agreements with the Lake West Ambulance District for ambulance services.

A motion was made by Alderman Bethurem approving the Mutual Aid Agreement with the Lake West Ambulance District. The motion was seconded by Alderman Rucker voted on, and unanimously passed.

Motion to Approve Mutual Aid Agreements with Camden County Ambulance District

Police Chief Davis stated that the request was for approval of the renewal of the existing Mutual Aid Agreements with the Camden County Ambulance District for ambulance services.

A motion was made by Alderman Marose approving the Mutual Aid Agreement with the Camden County Ambulance District. The motion was seconded by Alderman Schuman voted on, and unanimously passed.

Motion to Approve Mutual Aid Agreement with Miller County Ambulance District

Police Chief Davis stated that the request was for approval of the renewal of the existing Mutual Aid Agreements with Miller County Ambulance District for ambulance services.

Police Chief Davis explained the billing practices of the ambulance service with respect to the Mutual Aid Agreements following inquires of Alderman Rucker. City Attorney Rucker advised that the Mutual Aid Agreement gave authority to respond when requested.

A motion was made by Alderman Bethurem approving the Mutual Aid Agreement with Miller County Ambulance District. The motion was seconded by Alderman Marose, voted on, and unanimously passed.

Motion to Approve Write-Offs

City Treasurer Karri Bell explained that the write-offs requested were an end of the year process so that the City's Accounts Receivables reflect the best assessment of collectable debts. General discussion followed the write-off of debts and possible future payments. Treasurer Bell noted that the write-offs were a housekeeping requirement, however, should funds be received in the future, the City would be able to make the necessary adjustments.

A motion was made by Alderman Rucker approving the following write-offs: Water & Sewer receivables by \$554.81, Ambulance receivables by \$84,610.57, and Hammons TIF by \$3,622.05. The motion was seconded by Alderman Bethurem, and unanimously passed.

Motion to hold the Employee Appreciation Dinner on Friday, January 13, 2017.

Human Resources Generalist Cindy Leigh explained that bids had been requested from area venues, and it was recommended by the Employee Committee to hold the Employee Appreciation Dinner at Tan-Tar-A on January 13, 2017.

A motion was made by Alderman Bethurem to hold the Employee Appreciation Dinner on Friday, January 13, 2017, at Tan-Tar-A. The motion was seconded by Alderman Marose, voted on, and unanimously passed.

Communications from Members of the Board of Aldermen.

Alderman Marose echoed the Mayor's sentiments concerning the Veteran's Day Parade. In addition, Alderman Marose commended the Parks Department for their work with the decorations in the City Park and encouraged everyone to enjoy them.

Alderman Rucker stated that as a point of clarification the City of Osage Beach did not own the school which would be for sale as was noted in a recent newspaper article. Alderman Rucker inquired if the City had made any progress with determining the outcome of the property own by the state at Lee C. Fine airport. City Administrator

Woods noted that as discussed at the Budget Work Sessions all maintenance expenditures were removed from the budget for the property at Lee C. Fine airport, and that the City was awaiting additional information from the state. Alderman Rucker highlighted that he had attended the Ameren Missouri presentation which had been quite insightful.

Alderman Schuman stated that the holiday lights along the Parkway looked great, and he looks forward to seeing the City Park lights display this year.

Staff Communications.

City Administrator – Jeana Woods noted that she had previously sent out the Comprehensive Economic Development Strategy via e-mail and requested the Board’s input before the end of the month.

Assistant City Administrator. Mike Welty reported that the Parks Manager Matt Vandevort had done a great job with the holiday lighting in the City Park.

Police Chief announced Sgt. Arlyne Page would be retiring on December 30, 2016.

Public Works Director. – Nick Edelman gave an update on the Nichols Road project. Edelman noted that in the anticipation of upcoming winter weather, he would need to flood the street to ensure the water would flow off the street properly.

Building Official Ron White thanked the Public Works Department for their assistance in getting the lights up around City Hall.

Parks Manager Matt Vandevort appreciated the compliments regarding the holiday lighting in the City Park. He noted that on the opening Saturday, there had been 197 cars that had driven through.

There being no further business to come before the Board, the meeting adjourned at 7:00 p.m.

I, Cynthia Lambert, City Clerk of the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Board of Aldermen of the City of Osage Beach, Missouri, held on December 1, 2016.

Cynthia Lambert, City Clerk

John Olivarri, Mayor

**CITY OF OSAGE BEACH
BILLS LIST
December 15, 2016**

Bills Paid Prior to Board Meeting	191,967.45
Payroll Paid Prior to Board Meeting	160,445.65
SRF Transfer Prior to Board Meeting	0.00
TIF Transfer Dierbergs	0.00
TIF Transfer Prewitt's Pt	0.00
Bills Pending Board Approval	123,383.43
Total Expenses	<u>475,796.53</u>

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
NON-DEPARTMENTAL	General Fund	MIDWEST PUBLIC RISK	ADJUST PR DEDUCTIONS	2,305.41
			ADJUST PR DEDUCTIONS	195.00
			ADJUST PR DEDUCTIONS	48.47
			Dental Insurance Premiums	481.46
			Dental Insurance Premiums	481.46
			Health Insurance Contribut	665.57
			Health Insurance Contribut	665.57
			Health Insurance Contribut	401.40
			Health Insurance Contribut	401.40
			Vision Insurance Contribut	107.60
			Vision Insurance Contribut	107.60
			Vision Insurance Contribut	31.96
			Vision Insurance Contribut	31.96
			Vision Insurance Contribut	56.55
			Vision Insurance Contribut	56.55
		FAMILY SUPPORT PAYMENT CENTER	Case #81106219	150.00
			Case #31550944	138.46
			Case #16CMAD00032	508.15
		MO DEPT OF REVENUE	State Withholding	3,757.51
		INTERNAL REVENUE SERVICE	Fed WH	11,894.12
			FICA	6,577.74
			Medicare	1,583.81
		LEGALSHIELD	Pre-Paid Legal Premiums	24.90
			Pre-Paid Legal Premiums	24.90
		ICMA	Loan Repayment	186.42
			Loan Repayment	170.36
			Retirement 457 &	210.70
			Retirement 457	925.00
			Loan Repayments	800.03
			Loan Repayments	602.29
			Loan Repayments	497.30
			Loan Repayments	393.64
			Loan Repayments	162.85
			Loan Repayments	109.74
			Loan Repayments	155.86
			Loan Repayments	526.14
			Loan Repayments	326.32
			Retirement Roth IRA &	155.88
			Retirement Roth IRA	340.00
		COLONIAL LIFE & ACCIDENT	ADJUST PR DEDUCTIONS	0.01-
			Colonial Supplemental Insu	30.86
			Colonial Supplemental Insu	30.86
		AFLAC	ADJUST PR DEDUCTIONS	26.50-
			Aflac Insurance Premiums	45.21
			Aflac Insurance Premiums	45.21
		AMERICAN FIDELITY ASSURANCE COMPANY	American Fidelity	1,391.70
			American Fidelity	1,391.70
			Amerian Fidelity	769.03
			Amerian Fidelity	769.03
			ADJUST PAYROLL DEDUCTIONS	89.29
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	ADJUST PAYROLL DEDUCTIONS	586.42
			ADJUST PAYROLL DEDUCTIONS	114.20
			Group Life Ins and Buy Up	122.28
			Group Life Ins and Buy Up	122.28
		AMERICAN FIDELITY ASSURANCE CO FLEX AC	ADJUST PAYROLL DEDUCTIONS	61.72-
			Flexible Spending Accts -	10.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Flexible Spending Accts -	10.00
		TEXAS LIFE INSURANCE CO	ADJUST PR DEDUCTIONS	91.93
			Texas Life After Tax	122.28
			Texas Life After Tax	122.28
		CIRCUIT CLERK OF DALLAS COUNTY	Case No. 12DA-CC00055	134.30
		HEIGHTS FINANCE CORPORATION	15CM-AC00617	95.52
		ONE TIME VENDOR CONCORDIA WIRELESS INC	BLUFF DR GENERATOR APP	152.23
		T-MOBILE USA INC	T-MOBILE USA INC:ESCROW RE	1,600.00
		SBA NETWORK SERVICES L	ESCROW REFUND CASE 371	4,080.24
		ATC TOWER SERVICES INC	ESCROW RREFUND CASE 373	328.00
		T-MOBILE USA INC	ESCRW REFUND LK RD 54-22/F	4,077.38
		T-MOBILE USA INC	ESCROW REFUND PRE CASE 370	4,725.00
		T-MOBILE USA INC	ESCROW REFUND PRE CASE #37	4,002.38
			TOTAL:	61,231.46
Mayor & Board	General Fund	LAKE REGIONAL HEALTH SYSTEM	AM HEART ASSOC CPR CARDS	8.00
		OLIVARRI, JOHN	MILEAGE REIMB	325.88
			TOTAL:	333.88
City Administrator	General Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	89.31
			Dental Insurance Premiums	89.31
			Health Insurance Contribut	1,017.66
			Health Insurance Contribut	1,017.66
			Health Insurance Contribut	434.38
			Health Insurance Contribut	434.38
			Vision Insurance Contribut	10.78
			Vision Insurance Contribut	10.78
		WELTY, MIKE	MPR EMP LAW TRAVEL M WELTY	159.30
		INTERNAL REVENUE SERVICE	FICA	474.19
			Medicare	110.90
		ICMA	Retirement 401	458.90
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	15.86
			Group Life Ins and Buy Up	15.86
			Short Term Disability Ins	27.06
			Short Term Disability Ins	27.06
			TOTAL:	4,393.39
City Clerk	General Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	89.31
			Dental Insurance Premiums	89.31
			Health Insurance Contribut	1,303.14
			Health Insurance Contribut	1,303.14
			Vision Insurance Contribut	11.31
			Vision Insurance Contribut	11.31
		INTERNAL REVENUE SERVICE	FICA	274.43
			Medicare	64.18
		ICMA	Retirement 401	265.58
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	22.36
			Group Life Ins and Buy Up	22.36
			Short Term Disability Ins	27.06
			Short Term Disability Ins	27.06
			TOTAL:	3,510.55
City Treasurer	General Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	29.77
			Dental Insurance Premiums	29.77
			Dental Insurance Premium	17.08
			Dental Insurance Premium	17.08

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Health Insurance Contribut	193.56
			Health Insurance Contribut	193.56
			Health Insurance Contribut	508.83
			Health Insurance Contribut	508.83
			Vision Insurance Contribut	5.39
			Vision Insurance Contribut	5.39
			Vision Insurance Contribut	3.78
			Vision Insurance Contribut	3.78
		INTERNAL REVENUE SERVICE	FICA	498.48
			Medicare	116.58
		ICMA	Retirement 401	482.40
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	30.96
			Group Life Ins and Buy Up	30.96
			Short Term Disability Ins	36.08
			Short Term Disability Ins	36.08
			TOTAL:	2,748.36
Municipal Court	General Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	29.77
			Dental Insurance Premiums	29.77
			Health Insurance Contribut	508.83
			Health Insurance Contribut	508.83
			Vision Insurance Contribut	5.39
			Vision Insurance Contribut	5.39
		WASHBURN, WILLIAM F	NOV MUNICIPAL COURT JUDGE	1,763.17
		INTERNAL REVENUE SERVICE	FICA	80.27
			Medicare	18.77
		LAKE REGIONAL HEALTH SYSTEM	AM HEART ASSOC CPR CARDS	8.00
		ICMA	Retirement 401	77.68
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	6.28
			Group Life Ins and Buy Up	6.28
			Short Term Disability Ins	9.02
			Short Term Disability Ins	9.02
			TOTAL:	3,066.47
City Attorney	General Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	29.77
			Dental Insurance Premiums	29.77
			Health Insurance Contribut	508.83
			Health Insurance Contribut	508.83
			Vision Insurance Contribut	5.39
			Vision Insurance Contribut	5.39
		INTERNAL REVENUE SERVICE	FICA	124.28
			Medicare	74.54
		ICMA	Retirement 401	308.46
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	14.97
			Group Life Ins and Buy Up	14.97
			Short Term Disability Ins	9.02
			Short Term Disability Ins	9.02
			TOTAL:	1,643.24
Building Inspection	General Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	59.54
			Dental Insurance Premiums	59.54
			Health Insurance Contribut	1,017.66
			Health Insurance Contribut	1,017.66
			Vision Insurance Contribut	10.78
			Vision Insurance Contribut	10.78
		INTERNAL REVENUE SERVICE	FICA	307.02

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Medicare	71.80
		LAKE REGIONAL HEALTH SYSTEM	AM HEART ASSOC CPR CARDS	8.00
			AM HEART ASSOC CPR CARDS	8.00
		ICMA	Retirement 401	297.13
		AT&T MOBILITY-CELLS	BLDG DEPT CELL PHONE	520.31
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	14.87
			Group Life Ins and Buy Up	14.87
			Short Term Disability Ins	18.04
			Short Term Disability Ins	18.04
			TOTAL:	3,454.04
Building Maintenance	General Fund	REPUBLIC SERVICES INC #435	NOV SERVICE	156.87
		INTERNAL REVENUE SERVICE	FICA	49.29
			Medicare	11.53
		TRACEY OLIVER DBA KEEPING CONDOS CLEAN	NOV CLEANING	1,380.75
			TOTAL:	1,598.44
Parks	General Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	29.77
			Dental Insurance Premiums	29.77
			Dental Insurance Premium	34.16
			Dental Insurance Premium	34.16
			Health Insurance Contribut	387.12
			Health Insurance Contribut	387.12
			Health Insurance Contribut	508.83
			Health Insurance Contribut	508.83
			Vision Insurance Contribut	5.67
			Vision Insurance Contribut	5.67
		REPUBLIC SERVICES INC #435	PARK DEPT DEC SERV	73.43
		INTERNAL REVENUE SERVICE	FICA	305.60
			Medicare	71.48
		ICMA	Retirement 401	240.23
		AT&T MOBILITY-CELLS	PARK CELL PHONE	67.82
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	12.40
			Group Life Ins and Buy Up	12.40
			Short Term Disability Ins	27.06
			Short Term Disability Ins	27.06
		AMEREN MISSOURI	950 HATCHERY RD SIGN	63.93
			FISH HATCHERY RD MAINT BLD	23.54
			CITY PARK #2 DISPLAY C	10.24
			FISH HATCHERY RD SOCCER FL	58.06
			CITY PARK #2 DISPLAY D	10.24
			FISH HATCHERY RD BALL FIEL	491.21
			CITY PARK #2 DISPLAY B	10.89
			CITY PARK #2 DISPLAY A	10.24
			CITY PARK #2 IRRIGATION PU	10.48
			TOTAL:	3,457.41
Human Resources	General Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	29.77
			Dental Insurance Premiums	29.77
			Health Insurance Contribut	434.38
			Health Insurance Contribut	434.38
			Vision Insurance Contribut	3.77
			Vision Insurance Contribut	3.77
		INTERNAL REVENUE SERVICE	FICA	138.36
			Medicare	32.36
		ICMA	Retirement 401	133.89

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	7.49
			Group Life Ins and Buy Up	7.49
			Short Term Disability Ins	9.02
			Short Term Disability Ins	9.02
			TOTAL:	1,273.47
Overhead	General Fund	PURCHASE POWER	CITY HALL POSTAGE	296.96
		MO DEPT OF LABOR & IND RELATIONS	2015 3RD & 4TH QTR	215.76
			TOTAL:	512.72
Police	General Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	535.86
			Dental Insurance Premiums	535.86
			Dental Insurance Premium	136.64
			Dental Insurance Premium	136.64
			Health Insurance Contribu	316.16
			Health Insurance Contribu	316.16
			Health Insurance Contribut	1,354.92
			Health Insurance Contribut	1,354.92
			Health Insurance Contribut	5,088.30
			Health Insurance Contribut	5,088.30
			Health Insurance Contribut	3,040.66
			Health Insurance Contribut	3,040.66
			Vision Insurance Contribut	59.29
			Vision Insurance Contribut	59.29
			Vision Insurance Contribut	13.23
			Vision Insurance Contribut	13.23
			Vision Insurance Contribut	30.16
			Vision Insurance Contribut	30.16
		INTERNAL REVENUE SERVICE	FICA	3,058.60
			Medicare	715.32
		LAKE REGIONAL HEALTH SYSTEM	AM HEART ASSOC CPR CARDS	8.00
		PURCHASE POWER	POLICE DEPT POSTAGE	41.82
		ICMA	Retirement 401	2,829.70
		AT&T MOBILITY-CELLS	POLICE DEPT CELL PHONES	43.15
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	157.44
			Group Life Ins and Buy Up	157.44
			Short Term Disability Ins	225.50
			Short Term Disability Ins	225.50
		AMERICAN FIDELITY ASSURANCE CO FLEX AC	Flexible Spending Accts -	31.26
			Flexible Spending Accts -	31.26
		XEROX CORPORATION DBA XEROX FINANCIAL	NOV LEASE PAYMENT	146.00
		INSIDE THE TAPE LLC	HOMICIDE INVESTGTN - T ROB	295.00
			TOTAL:	29,116.43
911 Center	General Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	148.85
			Dental Insurance Premiums	148.85
			Dental Insurance Premium	51.24
			Dental Insurance Premium	51.24
			Health Insurance Contribut	580.68
			Health Insurance Contribut	580.68
			Health Insurance Contribut	508.83
			Health Insurance Contribut	508.83
			Health Insurance Contribut	868.76
			Health Insurance Contribut	868.76
			Vision Insurance Contribut	10.78
			Vision Insurance Contribut	10.78

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Vision Insurance Contribut	5.67
			Vision Insurance Contribut	5.67
			Vision Insurance Contribut	7.54
			Vision Insurance Contribut	7.54
		INTERNAL REVENUE SERVICE	FICA	726.29
			Medicare	169.85
		LAKE REGIONAL HEALTH SYSTEM	AM HEART ASSOC CPR CARDS	16.00
			AM HEART ASSOC CPR CARDS	24.00
		ICMA	Retirement 401	702.87
		AMERICAN FIDELITY ASSURANCE COMPANY	American Fidelity	10.42
			American Fidelity	10.42
			Amerian Fidelity	10.42
			Amerian Fidelity	10.42
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	41.62
			Group Life Ins and Buy Up	41.62
			Short Term Disability Ins	72.16
			Short Term Disability Ins	72.16
			TOTAL:	6,272.95
Planning	General Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	29.77
			Dental Insurance Premiums	29.77
			Health Insurance Contribut	434.38
			Health Insurance Contribut	434.38
			Vision Insurance Contribut	3.77
			Vision Insurance Contribut	3.77
		BANKCARD SERV 3333	APA CONF HOTEL C PATTERSON	252.24
		INTERNAL REVENUE SERVICE	FICA	186.57
			Medicare	43.63
		PURCHASE POWER	PLANNING DEPT POSTAGE	22.49
		ICMA	Retirement 401	180.54
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	8.48
			Group Life Ins and Buy Up	8.48
			Short Term Disability Ins	9.02
			Short Term Disability Ins	9.02
			TOTAL:	1,656.31
Information Technology	General Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	29.77
			Dental Insurance Premiums	29.77
			Dental Insurance Premium	17.08
			Dental Insurance Premium	17.08
			Health Insurance Contribut	387.12
			Health Insurance Contribut	387.12
			Vision Insurance Contribut	3.78
			Vision Insurance Contribut	3.78
		INTERNAL REVENUE SERVICE	FICA	354.36
			Medicare	82.87
		ICMA	Retirement 401	315.33
		AT & T /EMSGTWY_SBC	OCT SERV	141.24
		AT&T MOBILITY-CELLS	SERV 10/13-11/12/16 ADMIN	0.29
			SERV 10/13-11/12/16 LAPTOP	978.00
			IT DEPT CELL PHONE	123.68
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	15.63
			Group Life Ins and Buy Up	15.63
			Short Term Disability Ins	18.04
			Short Term Disability Ins	18.04
			TOTAL:	2,938.61

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
Economic Development	General Fund	LEO L CASE JR DBA	2016 HOLIDAY LIGHTS MUSIC	1,000.00
			TOTAL:	1,000.00
NON-DEPARTMENTAL	Transportation	MIDWEST PUBLIC RISK	Dental Insurance Premiums	80.20
			Dental Insurance Premiums	71.71
			Health Insurance Premium	85.11
			Health Insurance Premium	85.11
			Health Insurance Contribut	35.03
			Health Insurance Contribut	35.03
			Health Insurance Contribut	80.28
			Health Insurance Contribut	62.35
			Health Insurance Premiums	217.30
			Health Insurance Premiums	217.30
			Vision Insurance Contribut	12.56
			Vision Insurance Contribut	7.18
			Vision Insurance Contribut	2.52
			Vision Insurance Contribut	2.52
			Vision Insurance Contribut	15.08
			Vision Insurance Contribut	16.33
		MO DEPT OF REVENUE	State Withholding	295.31
		INTERNAL REVENUE SERVICE	Fed WH	907.19
			FICA	710.27
			Medicare	166.10
		ICMA	Retirement 457 &	321.53
			Retirement 457	189.81
			Loan Repayments	27.86
			Loan Repayments	33.64
			Retirement Roth IRA	54.15
		AMERICAN FIDELITY ASSURANCE COMPANY	American Fidelity	98.44
			American Fidelity	115.76
			Amerian Fidelity	87.07
			Amerian Fidelity	101.44
		TEXAS LIFE INSURANCE CO	Texas Life After Tax	18.19
			Texas Life After Tax	5.19
			TOTAL:	4,157.56
Transportation	Transportation	MIDWEST PUBLIC RISK	Dental Insurance Premiums	188.44
			Dental Insurance Premiums	168.49
			Dental Insurance Premium	22.89
			Dental Insurance Premium	22.89
			Health Insurance Premium	231.06
			Health Insurance Premium	231.06
			Health Insurance Contribut	259.37
			Health Insurance Contribut	259.37
			Health Insurance Contribut	508.82
			Health Insurance Contribut	508.82
			Health Insurance Contribut	1,303.14
			Health Insurance Contribut	1,012.11
			Health Insurance Premiums	509.38
			Health Insurance Premiums	509.38
			Vision Insurance Contribut	12.62
			Vision Insurance Contribut	7.23
			Vision Insurance Contribut	2.53
			Vision Insurance Contribut	2.53
			Vision Insurance Contribut	15.08
			Vision Insurance Contribut	16.33

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		INTERNAL REVENUE SERVICE	FICA	710.26
			Medicare	166.12
		PURCHASE POWER	TRANS DEPT POSTAGE	12.45
		ICMA	Retirement 401	668.36
		CARD SERVICES 0248	ANTIFREEZE	11.94
		AT&T MOBILITY-CELLS	TRANS DEPT CELL PHONES	77.29
		TRACEY OLIVER DBA KEEPING CONDOS CLEAN	NOV CLEANING	270.30
		AMERICAN FIDELITY ASSURANCE COMPANY	American Fidelity	3.55
			American Fidelity	3.54
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	49.45
			Group Life Ins and Buy Up	44.52
			Short Term Disability Ins	69.19
			Short Term Disability Ins	63.14
		AMERICAN FIDELITY ASSURANCE CO FLEX AC	Flexible Spending Accts -	24.28
			Flexible Spending Accts -	24.28
		AMEREN MISSOURI	5757 CHAPEL DR PW CT MTR	194.87
		AMEREN MISSOURI	792 PASSOVER RD STREET LIG	82.15
			872 PASSOVER RD STREET LIG	89.60
			TOTAL:	8,356.83
NON-DEPARTMENTAL	Water Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	73.73
			Dental Insurance Premiums	71.58
			Health Insurance Contribut	104.74
			Health Insurance Contribut	104.74
			Health Insurance Contribut	66.90
			Health Insurance Contribut	62.35
			Vision Insurance Contribut	17.88
			Vision Insurance Contribut	17.88
			Vision Insurance Contribut	0.62
			Vision Insurance Contribut	0.62
			Vision Insurance Contribut	9.42
			Vision Insurance Contribut	8.78
		MO DEPT OF REVENUE	State Withholding	263.98
		INTERNAL REVENUE SERVICE	Fed WH	865.25
			FICA	661.77
			Medicare	154.76
		ICMA	Retirement 457 &	39.49
			Retirement 457	123.16
			Loan Repayments	14.07
			Loan Repayments	16.08
			Loan Repayments	51.88
			Loan Repayments	33.63
			Retirement Roth IRA	52.80
		AMERICAN FIDELITY ASSURANCE COMPANY	American Fidelity	112.39
			American Fidelity	103.47
			American Fidelity	57.25
			American Fidelity	49.85
		TEXAS LIFE INSURANCE CO	Texas Life After Tax	5.03
			Texas Life After Tax	5.03
			TOTAL:	3,149.13
Water	Water Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	173.25
			Dental Insurance Premiums	168.19
			Dental Insurance Premium	5.64
			Dental Insurance Premium	5.64
			Health Insurance Contribut	63.87

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Health Insurance Contribut	63.87
			Health Insurance Contribut	1,521.40
			Health Insurance Contribut	1,521.40
			Health Insurance Contribut	1,085.94
			Health Insurance Contribut	1,012.10
			Vision Insurance Contribut	17.89
			Vision Insurance Contribut	17.89
			Vision Insurance Contribut	0.62
			Vision Insurance Contribut	0.62
			Vision Insurance Contribut	9.42
			Vision Insurance Contribut	8.79
		INTERNAL REVENUE SERVICE	FICA	661.78
			Medicare	154.77
		POSTMASTER	UTILITY BILL POSTAGE	420.00
		PURCHASE POWER	WATER DEPT POSTAGE	43.78
		ICMA	Retirement 401	621.42
		AT&T MOBILITY-CELLS	WATER DEPT CELL PHONES	182.78
		TRACEY OLIVER DBA KEEPING CONDOS CLEAN	NOV CLEANING	270.31
		RUBLE, JUSTIN	MILEAGE REIMB 10/26-11/01/	36.72
			MILEAGE REIMB 11/09-11/16/	36.72
		AMERICAN FIDELITY ASSURANCE COMPANY	American Fidelity	3.44
			American Fidelity	3.44
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	37.03
			Group Life Ins and Buy Up	35.95
			Short Term Disability Ins	55.48
			Short Term Disability Ins	53.94
		AMERICAN FIDELITY ASSURANCE CO FLEX AC	Flexible Spending Accts -	3.44
			Flexible Spending Accts -	3.44
		AMEREN MISSOURI	5757 CHAPEL DR PW CT MTR	194.86
		AMEREN MISSOURI	COLUMBIA COLLEGE WELL	384.48
		MANKEY, KYLE	MILEAGE REIMB 11/23-11/29/	108.00
			TOTAL:	8,988.31
NON-DEPARTMENTAL	Sewer Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	74.13
			Dental Insurance Premiums	72.10
			Health Insurance Contribut	105.44
			Health Insurance Contribut	105.44
			Health Insurance Contribut	40.14
			Health Insurance Contribut	35.86
			Vision Insurance Contribut	17.98
			Vision Insurance Contribut	17.98
			Vision Insurance Contribut	2.50
			Vision Insurance Contribut	2.50
			Vision Insurance Contribut	5.66
			Vision Insurance Contribut	5.05
		MO DEPT OF REVENUE	State Withholding	448.71
		INTERNAL REVENUE SERVICE	Fed WH	1,457.66
			FICA	788.34
			Medicare	184.38
		ICMA	Retirement 457 &	47.25
			Retirement 457	125.22
			Loan Repayments	21.11
			Loan Repayments	49.94
			Loan Repayments	34.65
			Retirement Roth IRA	53.05
		AMERICAN FIDELITY ASSURANCE COMPANY	American Fidelity	138.89

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			American Fidelity	130.49
			Amerian Fidelity	59.88
			Amerian Fidelity	52.91
		TEXAS LIFE INSURANCE CO	Texas Life After Tax	5.03
			Texas Life After Tax	5.03
			TOTAL:	4,087.32
Sewer	Sewer Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	174.17
			Dental Insurance Premiums	169.41
			Dental Insurance Premium	22.71
			Dental Insurance Premium	22.71
			Health Insurance Contribut	257.44
			Health Insurance Contribut	257.44
			Health Insurance Contribut	1,531.59
			Health Insurance Contribut	1,531.59
			Health Insurance Contribut	651.58
			Health Insurance Contribut	582.07
			Vision Insurance Contribut	18.00
			Vision Insurance Contribut	18.00
			Vision Insurance Contribut	2.52
			Vision Insurance Contribut	2.52
			Vision Insurance Contribut	5.66
			Vision Insurance Contribut	5.04
		INTERNAL REVENUE SERVICE	FICA	788.34
			Medicare	184.35
		POSTMASTER	UTILITY BILL POSTAGE	420.00
		PURCHASE POWER	SEWER DEPT POSTAGE	43.98
		ICMA	Retirement 401	743.30
		AT&T MOBILITY-CELLS	SEWER DEPT CELL PHONES	256.03
		TRACEY OLIVER DBA KEEPING CONDOS CLEAN	NOV CLEANING	270.31
		EARP, NATHAN	MILEAGE REIMB 11/16-11/23/	58.32
			MILEAGE REIMB 11/23-11/29/	116.64
		AMERICAN FIDELITY ASSURANCE COMPANY	American Fidelity	13.85
			American Fidelity	13.86
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	46.35
			Group Life Ins and Buy Up	45.36
			Short Term Disability Ins	64.75
			Short Term Disability Ins	63.32
		AMERICAN FIDELITY ASSURANCE CO FLEX AC	Flexible Spending Accts -	3.54
			Flexible Spending Accts -	3.54
		AMEREN MISSOURI	GRINDER PUMPS & LIFT STATI	2,198.02
			5757 CHAPEL DR LIFT STATIO	13.09
			5757 CHAPEL DR PW CT MTR	194.87
			GRINDER PUMPS & LIFT STATI	2,242.03
			GRINDER PUMPS & LIFT STATI	6,059.43
		LIEDEL, BRIAN	MILEAGE REIMB 11/23-11/29/	233.28
			TOTAL:	19,329.01
NON-DEPARTMENTAL	Ambulance Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	50.68
			Dental Insurance Premiums	50.68
			Health Insurance Contribut	70.06
			Health Insurance Contribut	70.06
			Health Insurance Contribut	26.76
			Health Insurance Contribut	26.76
			Vision Insurance Contribut	5.38
			Vision Insurance Contribut	5.38

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Vision Insurance Contribut	11.31
			Vision Insurance Contribut	11.31
		MO DEPT OF REVENUE	State Withholding	334.00
		INTERNAL REVENUE SERVICE	Fed WH	1,023.23
			FICA	690.14
			Medicare	161.40
		ICMA	Loan Repayments	60.41
		AMERICAN FIDELITY ASSURANCE COMPANY	American Fidelity	46.06
			American Fidelity	46.06
			Amerian Fidelity	100.13
			Amerian Fidelity	100.13
		LACLEDE COUNTY CIRCUIT CLERK	Case No. #11LA-AC00632	100.58
			TOTAL:	2,990.52
Ambulance	Ambulance Fund	MIDWEST PUBLIC RISK	Dental Insurance Premiums	119.08
			Dental Insurance Premiums	119.08
			Dental Insurance Premium	17.08
			Dental Insurance Premium	17.08
			Health Insurance Contribut	193.56
			Health Insurance Contribut	193.56
			Health Insurance Contribut	1,017.66
			Health Insurance Contribut	1,017.66
			Health Insurance Contribut	434.38
			Health Insurance Contribut	434.38
			Vision Insurance Contribut	5.39
			Vision Insurance Contribut	5.39
			Vision Insurance Contribut	11.31
			Vision Insurance Contribut	11.31
		INTERNAL REVENUE SERVICE	FICA	690.14
			Medicare	161.40
		LAKE REGIONAL HEALTH SYSTEM	CPR CARDS	56.00
		PURCHASE POWER	AMBULANCE DEPT POSTAGE	9.94
		ICMA	Retirement 401	533.44
		AT&T MOBILITY-CELLS	AMB DEPT CELL PHONES	81.51
		AMERICAN FIDELITY ASSURANCE COMPANY	Amerian Fidelity	10.42
			Amerian Fidelity	10.42
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	27.00
			Group Life Ins and Buy Up	27.00
			Short Term Disability Ins	36.08
			Short Term Disability Ins	36.08
		ONE TIME VENDOR SLUMBERLAND FURNITURE	AMB DAY ROOM RECLINERS	599.98
			TOTAL:	5,876.33
NON-DEPARTMENTAL	Lee C. Fine Airpor	MIDWEST PUBLIC RISK	Dental Insurance Premiums	20.72
			Dental Insurance Premiums	20.72
			Health Insurance Contribut	35.03
			Health Insurance Contribut	35.03
			Health Insurance Contribut	16.99
			Health Insurance Contribut	16.99
			Health Insurance Contribut	16.06
			Vision Insurance Contribut	14.18
			Vision Insurance Contribut	13.99
			Vision Insurance Contribut	1.88
			Vision Insurance Contribut	1.88
		MO DEPT OF REVENUE	State Withholding	84.20
		INTERNAL REVENUE SERVICE	Fed WH	232.44
			FICA	249.42

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Medicare	58.32
		ICMA	Retirement 457	74.00
		AMERICAN FIDELITY ASSURANCE COMPANY	American Fidelity	11.58
			American Fidelity	11.58
			Amerian Fidelity	15.81
			Amerian Fidelity	14.94
		TEXAS LIFE INSURANCE CO	Texas Life After Tax	7.88
			Texas Life After Tax	7.88
			TOTAL:	944.08
Lee C. Fine Airport	Lee C. Fine Airpor	MIDWEST PUBLIC RISK	Dental Insurance Premiums	48.68
			Dental Insurance Premiums	47.63
			Dental Insurance Premium	17.08
			Dental Insurance Premium	17.08
			Health Insurance Contribut	193.56
			Health Insurance Contribut	193.56
			Health Insurance Contribut	508.83
			Health Insurance Contribut	508.83
			Health Insurance Contribut	275.87
			Health Insurance Contribut	260.63
			Vision Insurance Contribut	14.20
			Vision Insurance Contribut	14.01
			Vision Insurance Contribut	1.89
			Vision Insurance Contribut	1.89
		REPUBLIC SERVICES INC #435	LCF AIRPORT NOV SERV	73.23
		INTERNAL REVENUE SERVICE	FICA	249.42
			Medicare	58.32
		PURCHASE POWER	LCF AIRPORT POSTAGE	24.61
		ICMA	Retirement 401	241.38
		DISH NETWORK	SERV 11/29-12/28/16	74.03
		AMERICAN FIDELITY ASSURANCE COMPANY	American Fidelity	10.42
			American Fidelity	10.42
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	13.50
			Group Life Ins and Buy Up	13.50
			Short Term Disability Ins	23.77
			Short Term Disability Ins	23.45
			TOTAL:	2,919.79
NON-DEPARTMENTAL	Grand Glaize Airpo	MIDWEST PUBLIC RISK	Dental Insurance Premiums	17.29
			Dental Insurance Premiums	17.74
			Health Insurance Contribut	36.53
			Health Insurance Contribut	37.46
			Vision Insurance Contribut	1.96
			Vision Insurance Contribut	2.15
			Vision Insurance Contribut	1.88
			Vision Insurance Contribut	1.88
			Vision Insurance Contribut	3.77
			Vision Insurance Contribut	3.77
		MO DEPT OF REVENUE	State Withholding	73.80
		INTERNAL REVENUE SERVICE	Fed WH	235.50
			FICA	179.82
			Medicare	42.06
		ICMA	Retirement 457	20.00
		AMERICAN FIDELITY ASSURANCE COMPANY	American Fidelity	14.33
			American Fidelity	14.33
			Amerian Fidelity	9.09

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Amerian Fidelity	9.96
			TOTAL:	723.32
Grand Glaize Airport	Grand Glaize Airpo	MIDWEST PUBLIC RISK	Dental Insurance Premiums	40.63
			Dental Insurance Premiums	41.68
			Dental Insurance Premium	17.08
			Dental Insurance Premium	17.08
			Health Insurance Contribut	193.56
			Health Insurance Contribut	193.56
			Health Insurance Contribut	592.89
			Health Insurance Contribut	608.13
			Vision Insurance Contribut	1.97
			Vision Insurance Contribut	2.16
			Vision Insurance Contribut	1.89
			Vision Insurance Contribut	1.89
			Vision Insurance Contribut	3.77
			Vision Insurance Contribut	3.77
		REPUBLIC SERVICES INC #435	GG AIRPORT NOV SERV	80.08
		INTERNAL REVENUE SERVICE	FICA	179.82
			Medicare	42.06
		PURCHASE POWER	GG AIRPORT POSTAGE	3.97
		ICMA	Retirement 401	174.03
		LINCOLN NATIONAL LIFE INSURANCE COMPAN	Group Life Ins and Buy Up	6.28
			Group Life Ins and Buy Up	6.28
			Short Term Disability Ins	12.31
			Short Term Disability Ins	12.63
			TOTAL:	2,237.52

----- FUND TOTALS -----

10	General Fund	128,207.73
20	Transportation	12,514.39
30	Water Fund	12,137.44
35	Sewer Fund	23,416.33
40	Ambulance Fund	8,866.85
45	Lee C. Fine Airport Fund	3,863.87
47	Grand Glaize Airport Fund	2,960.84
GRAND TOTAL:		191,967.45

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT			
NON-DEPARTMENTAL	General Fund	MO DEPT OF REVENUE INTERNAL REVENUE SERVICE	State Withholding	1,411.00			
			Fed WH	4,679.87			
			FICA	2,536.53			
			Medicare	593.22			
			TOTAL:	9,220.62			
Mayor & Board	General Fund	CAMDENTON AREA CHAMBER OF COMMERCE	OLIVARRI-SCHMITT-MAROSE-RU	100.00			
			TOTAL:	100.00			
City Administrator	General Fund	CAMDENTON AREA CHAMBER OF COMMERCE	WOODS-WELTY	50.00			
			TOTAL:	50.00			
City Clerk	General Fund	ELDON ADVERTISER CAMDENTON AREA CHAMBER OF COMMERCE SMART POSTAL CENTERS MO DEPT OF REVENUE	PUBLIC NOTICE APR 4, 2017	33.00			
			LAMBERT	25.00			
			MYSTIC BAY PROJECT COPIES	2,593.61			
			NOV SALES TAX REPORT	35.00			
			TOTAL:	2,686.61			
Municipal Court	General Fund	MO VOCATIONAL ENTERPRISES	BUSINESS CARDS - TAYLOR	16.00			
			TOTAL:	16.00			
City Attorney	General Fund	CAMDENTON AREA CHAMBER OF COMMERCE	E RUCKER	25.00			
			TOTAL:	25.00			
Building Maintenance	General Fund	PRAIRIEFIRE COFFEE & ROASTERS LAKE RECHARGE & FIRE EQUIPMENT LLC AB PEST CONTROL STAPLES BUSINESS ADVANTAGE JD INDUSTRIES LLC DBA MIDWEST ROOFING	COFFEE, HOT CHOCOLATE	192.65			
			WATER COOLER RENTAL	38.51			
			FIRE SPRINKLERS	559.90			
			AUG PEST CONTROL	125.00			
			WASP SPRAY	55.00			
			SEP PEST CONTROL	125.00			
			OCT PEST CONTROL	125.00			
			NOV PEST CONTROL	75.00			
			LYSOL SANITIZING WIPES	11.32			
			CLEAN GUTTRS, INSTALL DIVE	400.00			
			TOTAL:	1,707.38			
			Parks	General Fund	MEEKS BUILDING CENTER O'REILLY AUTOMOTIVE STORES INC HD SUPPLY WATERWORKS LTD TURFMARK SERVICES LLC MVP APPAREL	HASP, NUTS, BOLTS, SCREWS	7.67
						ANTIFREEZE	24.00
						EYEWEAR	9.35
MOTOR OIL	27.98						
PVC CPLG, PIPE	82.36						
STRAP WRENCH	75.00						
PVC SWR PIPE	12.30						
WINTER FERTILIZE BALL FIEL	1,375.00						
TEE SHIRTS	96.00						
TOTAL:	1,709.66						
Overhead	General Fund	XEROX CORPORATION				NOV CHARGES	334.61
						TOTAL:	334.61
Police	General Fund	LEON UNIFORM CO INC INTERNAL REVENUE SERVICE				UNIFORMS	45.50
						UNIFORMS	38.00
			UNIFORMS	189.00			
			UNIFORMS	70.95			
			UNIFORMS	153.00			
			FICA	2,017.54			

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Medicare	471.85
		LAKE CLEANERS	UNIFORM CLEANING	83.00
		LEIGH HOLDINGS LLC DBA INTERSTATE ALL	3.6V NICD BATTERIES	121.00
		ICMA	Retirement 401	1,912.11
		DELL MARKETING LP	IMAGING DRUM, TONER	963.88
		FBI - LEEDA	MEMBERSHIP - M O'DAY	50.00
			TOTAL:	6,115.83
911 Center	General Fund	WIRELESS USA INC	DEC SERVICE	225.00
		INTERNAL REVENUE SERVICE	FICA	518.99
			Medicare	121.37
		ICMA	Retirement 401	502.26
			TOTAL:	1,367.62
Economic Development	General Fund	EZARD'S	TIES	19.96
			SLEDGE HAMMER, RETURN KEYS	7.22
			TAP TRIPLE GRND, CABLE TIE	30.92
			2WRE PLUG, CABLE TIES	9.97
			SCH40 1.5" CAP	0.99
		HDR INC	OB PKWY WEST STUDY AUG-OCT	16,649.31
		O'REILLY AUTOMOTIVE STORES INC	ADAPTER, SOCKETS	14.27
		LAKE SUN LEADER 645	FULL COLOR AD, CREATIVE SO	82.50
		DAM STEEL SUPPLY	HAPPY HOLIDAY SIGN	2,283.00
			REBAR	20.40
		GILMORE & BELL PC	ARROWHEAD CENTRE TIF PLAN	812.50
		BULLOCK AND HENDRIX SEPTIC LLC	PARK RD & SIDEWALK BORE	1,000.00
			TOTAL:	20,931.04
Transportation	Transportation	CAPITAL MATERIALS LLC	BP-1/BP-2 RAP/SHINGLES COM	659.75
		EZARD'S	BP-1/BP-2 RAP/SHINGLES COM	494.65
			KEYS	19.08
			PADLOCK, KEYS	14.76
		PURCELL TIRE & RUBBER CO	2 TRACTOR TIRES REPAIRED	94.82
		MEEKS BUILDING CENTER	2 2X12 10'	34.70
		KNAPHEIDE TRUCK INC	TAILGATE REPAIR INT 4400	582.00
		NORTHERN SAFETY CO INC	EARPLUGS	54.76
		O'REILLY AUTOMOTIVE STORES INC	FUEL FILTERS	118.06
		LAKE SUN LEADER 81525 & 1586450	RFQ - MACE RD IMPROVEMENTS	87.75
		CROWN POWER & EQUIPMENT	BACKHOE BLADE BOLTS	40.00
		CHASE CO INC	HP ULTRA 2 GAL MIX 50:1 OI	57.78
			TOTAL:	2,258.11
Sewer	Sewer Fund	FASTENAL CO	SCREWS	8.10
		O'REILLY AUTOMOTIVE STORES INC	WIPER BLADES	7.64
		CONSOLIDATED ELECTRICAL DISTR, INC	ALUM BODY ASBLY	23.54
		LAKE OZARK-OSAGE BEACH JOINT SEWER PLA	OCT MONTHLY FLOWS	40,236.73
		CAMDEN COUNTY RECORDER OF DEEDS	WD 720-164 & WD 504-1632	5.00
		PRECISION AUTO & TIRE SERVICE LLC	OIL CHG #71	43.95
		MAGRUDER LIMESTONE CO INC	1" DIRTY BASE	302.53
		MIDWAY RENTAL & SALES	CORE DRILL	190.00
		CAMDEN COUNTY PWS#4	LIVE TAP SERV - PREWITT'S	400.00
			TOTAL:	41,217.49
NON-DEPARTMENTAL	Ambulance Fund	MO DEPT OF REVENUE	State Withholding	135.00
		INTERNAL REVENUE SERVICE	Fed WH	417.38
			FICA	350.37

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Medicare	81.95
			TOTAL:	984.70
Ambulance	Ambulance Fund	INTERNAL REVENUE SERVICE	FICA	350.37
			Medicare	81.95
		ICMA	Retirement 401	339.07
		HEDRICK MOTIV WERKS LLC	REAR DOOR HANDLE REPAIR M9	60.00
		AMERICAN RESPONSE VEHICLES INC	RT REAR LOCKING HANDLE MED	99.38
		STERICYCLE INC	DISPOSAL OF MEDICAL WASTE	368.17
		ALAN J WILSON, MD	DEC MEDICAL DIRECTOR SERV	1,000.00
			TOTAL:	2,298.94
NON-DEPARTMENTAL	Lee C. Fine Airpor	MO DEPT OF REVENUE	State Withholding	30.00
		INTERNAL REVENUE SERVICE	Fed WH	73.10
			FICA	155.15
			Medicare	36.29
			TOTAL:	294.54
Lee C. Fine Airport	Lee C. Fine Airpor	GB MAINTENANCE SUPPLY	MULTI-FOLD TOWELS	25.54
			FIN CHG	1.00
		NAEGLER OIL CO	JET A FUEL	15,406.29
		INTERNAL REVENUE SERVICE	FICA	155.15
			Medicare	36.29
		ICMA	Retirement 401	150.15
		CRAWFORD, MURPHY & TILLY INC	OCT LCF SW APRON RECONSTRC	12,390.02
		TYLER TRUESDELL	FENCE REPAIRS	250.00
			TOTAL:	28,414.44
NON-DEPARTMENTAL	Grand Glaize Airpo	MO DEPT OF REVENUE	State Withholding	46.00
		INTERNAL REVENUE SERVICE	Fed WH	151.37
			FICA	129.76
			Medicare	30.35
			TOTAL:	357.48
Grand Glaize Airport	Grand Glaize Airpo	EZARD'S	BREAKER	5.99
			HAND TOOL/ACCESSORIES	6.88
		INTERNAL REVENUE SERVICE	FICA	129.76
			Medicare	30.35
		ICMA	Retirement 401	125.57
		GENESIS LAMP CORPORATION	2 LIGHT BULBS	344.81
		TYLER TRUESDELL	FENCE REPAIRS	2,650.00
			TOTAL:	3,293.36

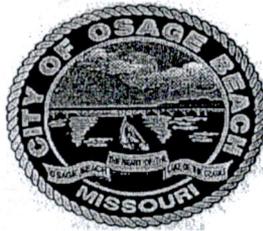
DEPARTMENT FUND VENDOR NAME DESCRIPTION AMOUNT

----- FUND TOTALS -----	
10	General Fund 44,264.37
20	Transportation 2,258.11
35	Sewer Fund 41,217.49
40	Ambulance Fund 3,283.64
45	Lee C. Fine Airport Fund 28,708.98
47	Grand Glaize Airport Fund 3,650.84

	GRAND TOTAL: 123,383.43

TOTAL PAGES: 4

City of Osage Beach
 1000 City Parkway
 Osage Beach, MO 65065
 573/302-2000 Phone
 573/302-0528 Fax
 www.osagebeach-mo.gov



1002
 Planning Dept: 26
 Sewer Dept: _____
 License #: _____

LIQUOR LICENSE APPLICATION

Date of Application: 11/21/2014 Date Application Received: 12/2/14
 Name of Establishment: Gin & Grits / EGJ + J, LLC
 Mailing Address: P.O. Box 344 ; Osage Beach, mo 65065
 Applicant Name: Gail Wilcox
 (As it is to appear on license. If corporation, name of corporation and managing officer)

- Original Applications: Submit a copy of your Missouri voter registration card & background check performed by the Missouri Highway Patrol along with the application.
- Renewal Applications: Submit completed application and background check per Ordinance 15.81 (voter registration not required for renewals.) Completed applications must be received by May 1st. Applications received after May 1 are subject to the following late fees: May 2 to May 31 - \$100 late fee; June 1 to June 30 - \$200 late fee; after June 30 - \$300 late fee.

Item	Fee	License Description	City Code
a. ___	375.00	Manufacture and distribution (not sales) of intoxicating malt liquor not more than 5% alcohol by weight.	MDBWT
b. ___	150.00	Distribution or wholesale of intoxicating liquors not more than 5% alcohol by weight.	DBLQWT
c. ___	300.00	Manufacture or distilling of intoxicating liquors in excess of 5% alcohol by weight.	MLQWT
d. ___	750.00	Distribution or wholesale of intoxicating liquors in excess of 5% alcohol by weight.	DLQWT
e. ___	75.00	Retail sales of intoxicating liquors not more than 5% alcohol by weight in original package to be consumed on premises. (Includes Sunday Sales.)	BPR
f. ___	75.00	Retail sales of intoxicating liquors not more than 5% alcohol by weight in original package not to be consumed on premises. (Includes Sunday Sales.)	BPK
g. ___	450.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight to be consumed on premises.	LDRK1
h. ___	750.00 <u>562.50</u>	Retail sales of intoxicating liquors in excess of 5% alcohol by weight to be consumed on premises. (Includes Sunday Sales.)	LDRK2
i. ___	150.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight in original package not to be consumed or opened on premises.	LPKG1
j. ___	450.00 <u>X NO</u>	Retail sales of intoxicating liquors in excess of 5% alcohol by weight in original package not to be consumed or opened on premises. (Includes Sunday Sales.)	LPKG2
k. ___	75.00	Retail sales of malt liquor not more than 5% alcohol by weight /or light wines containing in excess of 14% alcohol by weight.	BWDRK1
l. ___	375.00	Retail sales of malt liquor not more than 5% alcohol by weight /or light wines containing in excess of 14% alcohol by weight. (Includes Sunday Sales.)	BWDRK2
m. ___	300.00	Sunday Liquor Sales	LSUN
n. ___	15.00	*Caterer per day.	CTLQDY
o. ___	10.00	*Picnic per day.	PCLQDY
p. ___	N/C	Change of managing officer.	MGO
q. ___	N/C	Wine tasting.	WTG

* If applying for a Caterer or a Picnic license, describe the event in detail and provide the name, location, time and date of the event.

BILL NO. 16-84

ORDINANCE NO. 16.84

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017, AND ENDING DECEMBER 31, 2017, AND APPROPRIATING FUNDS PURSUANT THERETO

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI, AS FOLLOWS, TO WIT:

Section 1. That the budget for the City of Osage Beach, Missouri, for the fiscal year beginning January 1, 2017 and ending December 31, 2017, a copy of which is attached hereto as Exhibit A, is made a part hereof as if fully set forth herein is hereby adopted.

Section 2. That funds are hereby appropriated for expenditures set forth in said budget and approved as follows:

General Fund	\$ 7,834,986
CIT Fund	\$ 2,233,000
Transportation Fund	\$ 5,202,947
Water Fund	\$ 3,875,987
Sewer Fund	\$ 4,326,244
Ambulance Fund	\$ 662,810
Lee C Fine Airport Fund	\$ 3,067,193
Grand Glaize Airport Fund	\$ 295,322
Prewitt's Point TIF	\$ 2,365,000
Dierbergs TIF	\$ 686,700
TOTAL EXPENDITURES	\$30,550,189

Section 3. This Ordinance shall be in full force and effect January 1, 2017.

READ FIRST TIME: December 1, 2016 READ SECOND TIME: _____

I hereby certify that Ordinance No. 16.84 was duly passed on _____, 2016 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:	Nays:
Abstain:	Absent:

This Ordinance is hereby transmitted to the Mayor for his signature.

Date

Cynthia Lambert, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby approve Ordinance No. 16.84.

Date

John Olivarri, Mayor

ATTEST:

Cynthia Lambert, City Clerk

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING A NEW SECTION 135.020.C. RESERVES. TO THE OSAGE BEACH CODE OF ORDINANCES ADOPTING RESERVE FUND TARGET LEVELS.

WHEREAS, the Board of Aldermen hereby finds that it is necessary to establish recommended fund reserve target levels for the General Fund, Transportation Fund, Sewer Fund and Airport Funds; and,

WHEREAS, the Board of Aldermen conclude that an ordinance recommending reserve fund balances shall thereby be established.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1 That a new Section 135.020.C of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

Section 135.020 Budget and Financial Control.

C. Reserves.

1. Reserves Established. The City shall establish and maintain fund reserves for the General Fund, Transportation Fund, Water Fund, Sewer Fund, Lee C Fine Fund, and the Grand Glaize Fund. Refer to the Osage Beach Reserve Policy as adopted by the Board of Aldermen on December 1, 2016. Exhibit A.
2. Target Reserve Levels. Target levels as described below shall be established and maintained by fund and detailed within the annual adopted budget.
 - a. The target level for the Governmental Fund Reserves, the General Fund and the Transportation Fund, shall be Twenty-Five percent (25%) of the most recent three (3) year average of personnel and operation and maintenance expenditures plus an annual contribution for the Capital Reserve based on a Capital Plan Schedule. The Twenty-Five percent (25%) reserves shall consist of an Emergency Reserve set at Fifteen percent (15%) and a Stability Reserve set at Ten percent (10%).
 - b. The target level of the Water Fund and the Sewer Fund shall be Sixteen percent (16%) of the most recent three (3) year average of personnel and operation and maintenance expenditures plus an annual contribution for the Capital Reserve based on a Capital Plan Schedule. The Sixteen percent (16%) reserves shall consist of an Operating Reserve.

- c. *The target level of the Lee C Fine Airport Fund and the Grand Glaize Airport Fund shall be Eight percent (8%) of the most recent three (3) year average of personnel and operation and maintenance expenditures plus an annual contribution for the Capital Reserve based on a Capital Plan Schedule. The Eight percent (8%) reserves shall consist of an Operating Reserve.*
3. Accountability. It shall be the responsibility of the City Administrator, or his or her designee, to maintain and account for the fund reserves established under this Section.

Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: _____ READ SECOND TIME: _____

I hereby certify that Ordinance No.16.85 was duly passed on _____ by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:

Nays:

Abstentions:

Absent:

This Ordinance is hereby transmitted to the Mayor for his signature.

Date

Cynthia Lambert, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby approve Ordinance No.16.85

John Olivarri, Mayor

Date

Cynthia Lambert, City Clerk

BILL NO. 16-87

ORDINANCE NO. 16.87

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CITY OF OSAGE BEACH, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS, TO WIT:

Section 1. That the real estate, described as follows, 8.69 acres zoned C-1 (General Commercial) to C-1 (General Commercial) with an E-2 (Entertainment Overlay):

Backwater Jacks 2, Lot 2.

Section 2. That the development as described herein and referred to as Case 393 shall conform to the provisions for the approved zones as listed in the Osage Beach Code of Ordinances.

Section 3. That this Ordinance shall be in full force and effect upon date of passage.

READ FIRST TIME: _____, 2016 READ SECOND TIME: _____, 2016

I hereby certify that the above Ordinance No. 16.87 was duly passed on _____, 2016 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:

Nays:

Abstentions:

Absent:

This Ordinance is hereby transmitted to the Mayor for his signature.

_____, 2016
Date

Cynthia Lambert, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby APPROVE Ordinance 16.87

John Olivarri, Mayor

_____, 2016
Date

ATTEST:

Cynthia Lambert, City Clerk

Submission Date: December 5, 2016
Submitted By: Public Works Director
Board Meeting Date: December 15, 2016

**City of Osage Beach
 BOARD OF ALDERMEN
 AGENDA ITEM SUMMARY SHEET**

Description of Item:

Bill 16.88 – An ordinance of the City of Osage Beach, Missouri, amending Appendix A of Section 710.410: Sewer System Development Charge.

Names of Persons, Businesses, Organizations affected by this action:

City Staff, developers

Why is Board Action Required?

Board of Aldermen approval required per Section 110.230. Ordinances, Resolutions, Etc.
 - Generally.

Type of Action Requested (Ordinance, Resolution, Motion):

Requesting first reading of Bill 16.88

Are there any deadlines associated with this action?

No

Budget Line / Source of Funds

None

Comments and Recommendation of Department:

The Sewer Development Charges (SDC) was created to recover cost from developers for needed sewer infrastructure enlargements. These SDC projects could be upsizing sewer force mains, lift stations, or a combination of these items or other sewer related projects. The rates were based upon estimated costs for the projects. When we complete a project,

we update the SDC rate schedule with an actual cost instead of the estimated cost. The rates can be increased or decreased depending on the actual costs.

We have recently completed the 30-6 Lift Station and Force Main Project. This project was estimated to cost \$170,000. The lift station improvements were estimated to cost \$150,000 and the force main \$20,000. The actual cost was \$75,508 for the lift station and \$39,208 for the force main. This resulted in an overall savings of \$55,284. Based upon this information, we are recommending lowering the SDC rate for Benefit Area 2 from \$2,975 to \$2,614 for a single family house (EDU – equivalent single family dwelling unit). The rates for multifamily and commercial will change also. The rate schedule is based on 1 EDU and when that EDU rate changes the rest of the schedule changes also.

There are a few SDC projects that haven't been completed yet. When they are, we will bring updated rates to you at that time.

The Public Works Department recommends approval of this ordinance.

City Administrator Comments and Recommendation

The SDC ordinance was enacted by the City in 2002 and has been updated as needed per ordinance since then, seven changes to date. The intent of the SDC is to ensure new connections to the sewer system that place additional demand upon the system bear proportionate share of the cost of the facilities necessary to accommodate the new connection. SDCs are paid through the permitting process for sewer service connection. The funds collected are used exclusively for sewer facility upgrade projects, financing directly or as a pledge against bonds, revenue certificates, or other indebtedness for the cost of sewer facility upgrade projects.

Concur with the Public Works Director's recommendation.

BILL NO. 16-88

ORDINANCE NO. 16.88

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING APPENDIX A OF SECTION 710.410: SEWER SYSTEM DEVELOPMENT CHARGE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI, AS FOLLOWS:

Section 1. That Appendix A of Section 710.410 of the Osage Beach Code of Ordinances be amended so that such section shall read as indicated on the attached Exhibit A.

Section 2. Repeal of ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided: but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 3. The Mayor of the City of Osage Beach is hereby authorized to take all actions which may be necessary to fully enact this Ordinance.

Section 4. That this Ordinance shall be in full force and effect January 6, 2017.

READ FIRST TIME: December 15, 2016

READ SECOND TIME:

I hereby certify that the above Ordinance No. 16.88 was duly passed on _____ by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:

Nays:

Abstaining:

Absent:

This Ordinance is hereby transmitted to the Mayor for her signature.

Date

Cynthia Lambert, City Clerk

Approved as to form:

Edward B. Rucker,
City Attorney

I hereby APPROVE the above Ordinance No. 16.88.

Date

John Oliverri, Mayor

ATTEST:

Cynthia Lambert, City Clerk

**APPENDIX A
CITY OF OSAGE BEACH
SANITARY SEWER SYSTEM
SYSTEM DEVELOPMENT CHARGE SCHEDULE UPDATED 01/06/17**

<u>BENEFIT AREA</u>	<u>LOCATION</u>	SYSTEM DEVELOPMENT CHARGE									
		MFR**					COMMERCIAL (METER SIZE)				
		<u>SFR*</u>	<u>1 BR</u>	<u>2 BR</u>	<u>3 BR</u>	<u>5'8" x 3/4"</u>	<u>1"</u>	<u>1 1/2"</u>	<u>2"</u>	<u>3"</u>	<u>4"</u>
1	All areas east of Sands Pump Station	\$1,075	\$672	\$806	\$941	\$1,075	\$2,688	\$5,375	\$8,600	\$18,813	\$53,750
2	East of Sands and upstream of L.S. 30-6	\$2,614	\$1,634	\$1,961	\$2,287	\$2,614	\$6,535	\$13,070	\$20,912	\$45,745	\$130,700
3	East of Sands and upstream of L.S. 54N-1	\$1,855	\$1,159	\$1,391	\$1,623	\$1,855	\$4,638	\$9,275	\$14,840	\$32,463	\$92,750
4	East of Sands and upstream of L.S. 22-3	\$1,457	\$911	\$1,093	\$1,275	\$1,457	\$3,643	\$7,285	\$11,656	\$25,498	\$72,850
5	East of Sands and upstream of L.S. 29-1	\$1,490	\$931	\$1,118	\$1,304	\$1,490	\$3,725	\$7,450	\$11,920	\$26,075	\$74,500
6	West of Sands and East of Normandy Road	\$1,900	\$1,188	\$1,425	\$1,663	\$1,900	\$4,750	\$9,500	\$15,200	\$33,250	\$95,000
7	West of Normandy Road, East of KK EQ Basin	\$2,255	\$1,409	\$1,691	\$1,973	\$2,255	\$5,638	\$11,275	\$18,040	\$39,463	\$112,750
8	Upstream of KK EQ Basin	\$2,835	\$1,772	\$2,126	\$2,481	\$2,835	\$7,088	\$14,175	\$22,680	\$49,613	\$141,750
9	West of Sands, East of Normandy, in Port Lane Area	\$2,825	\$1,766	\$2,119	\$2,472	\$2,825	\$7,063	\$14,125	\$22,600	\$49,438	\$141,250

*SFR = Single Family Residential

**MFR = Multi-Family Residential

Submission Date: December 7, 2016

Submitted By: City Clerk

Board Meeting Date: December 15, 2016

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Bill 16.89 – An ordinance of the City of Osage Beach, Missouri, repealing Chapter 210 Offenses, and adopting a new Chapter 210 Offenses to comply with Senate Bill 491 and House Bill 1371 passed by the 2014 Missouri State Legislature.

Names of Persons, Businesses, Organizations affected by this action:

Businesses, visitors, drivers, and residents of the city.

Why is Board Action Required?

Board of Aldermen approval required per Section 110.230. Ordinances, Resolutions, Etc.
- Generally.

Type of Action Requested (Ordinance, Resolution, Motion):

Requesting first and second reading of Bill 16.89.

Are there any deadlines associated with this action?

Yes, new state statues goes into effect on January 1, 2017.

Budget Line / Source of Funds

Not applicable.

Comments and Recommendation of Department:

This Ordinance brings the City Code under compliance with the State Statutes.

City Administrator Comments and Recommendation:

Concur with the City Clerk's recommendation.

BILL NO. 16-89

ORD. NO. 16.89

AN ORDINANCE ADOPTING AND ENACTING A NEW CHAPTER 210, OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF OSAGE BEACH, COUNTY OF CAMDEN, STATE OF MISSOURI; AND PROVIDING FOR THE REPEAL OF EXISTING CODE CHAPTER 210; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE

WHEREAS, in the 2014 Legislative Session, the Missouri State Legislature enacted Senate Bill 491 and House Bill 1371 which resulted in numerous revisions to Title 38 (Crimes and Punishment) of the State Statutes, effective as of January 1, 2017. Therefore, Chapter 210, Offenses, of the Code of Ordinances of the City of Osage Beach, Missouri, requires substantial revision and readoption to effect compliance with the Revised Statutes of Missouri.

NOW, THEREFORE, be it ordained by the Board of Aldermen of the City of Osage Beach, Missouri, as follows:

Section 1.

That Chapter 210, Offenses, of the Osage Beach Code of Ordinances shall be repealed January 1, 2017.

Section 2.

That the entirety of Chapter 210, Offenses, of the Code of Ordinances of the City of Osage Beach, Missouri, as set out below, is hereby adopted, and enacted effective January 1, 2017.

ARTICLE I
General Provisions

Section 210.010. Definitions.

In this Chapter, unless the context requires a different definition, the following shall apply:

ACCESS — To instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network.

AFFIRMATIVE DEFENSE —

1. The defense referred to is not submitted to the trier of fact unless supported by evidence; and
2. If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not.

BURDEN OF INJECTING THE ISSUE —

1. The issue referred to is not submitted to the trier of fact unless supported by evidence; and
2. If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.

COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSOR — Any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency.

COMPUTER — The box that houses the central processing unit (CPU), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, "computer" refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as "peripherals" and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. "Information" refers to all the information on a computer system, including both software applications and data.

COMPUTER EQUIPMENT — Computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network.

COMPUTER HARDWARE — All equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. "Hardware" includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two (2) or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks.

COMPUTER NETWORK — Two (2) or more interconnected computers or computer systems.

COMPUTER PROGRAM — A set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions.

COMPUTER SOFTWARE — Digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs.

COMPUTER SYSTEM — A set of related, connected or unconnected, computer equipment, data, or software.

COMPUTER-RELATED DOCUMENTATION — Written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items.

CONFINEMENT —

1. A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until:
 - a. A court orders the person's release; or
 - b. The person is released on bail, bond or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine the person authorizes his/her release without guard and without condition that he/she return to confinement.
2. A person is not in confinement if:
 - a. The person is on probation or parole, temporary or otherwise; or
 - b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement.

CONSENT — Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
2. It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
3. It is induced by force, duress or deception.

CONTROLLED SUBSTANCE — A drug, substance, or immediate precursor in Schedules I through V as defined in Chapter 195, RSMo.

CRIMINAL NEGLIGENCE — Failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

CUSTODY — A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.

DAMAGE — When used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network.

DANGEROUS FELONY — The felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in Subdivision (14) of Section 565.002, RSMo., kidnapping in the first degree, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under Section 568.060, RSMo., child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo., and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be an "habitual offender" or "habitual boating offender" as such terms are defined in Section 577.001, RSMo.

DANGEROUS INSTRUMENT — Any instrument, article or substance which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

DATA — A representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer.

DEADLY WEAPON — Any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged; or a switchblade knife, dagger, billy club, blackjack or metal knuckles.

DIGITAL CAMERA — A camera that records images in a format which enables the images to be downloaded into a computer.

DISABILITY — A mental, physical, or developmental impairment that substantially limits one (1) or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings.

ELDERLY PERSON — A person sixty (60) years of age or older.

FELONY — An offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one (1) year.

FORCIBLE COMPULSION — Either:

1. Physical force that overcomes reasonable resistance; or
2. A threat, express or implied, that places a person in reasonable fear of death, serious physical injury, or kidnapping of such person or another person.

INCAPACITATED — A temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act.

INFRACTION — A violation defined by this Code or by any other Statute of this state if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction.

INHABITABLE STRUCTURE —

1. A vehicle, vessel or structure:
 - a. Where any person lives or carries on business or other calling; or
 - b. Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or
 - c. Which is used for overnight accommodation of persons.
2. Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually present.
3. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an inhabitable structure of another.

KNOWINGLY —

1. When used with respect to conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or
2. When used with respect to a result of conduct, means a person is aware that his or her conduct is practically certain to cause that result.

LAW ENFORCEMENT OFFICER — Any public servant having both the power and duty to make arrests for violations of the laws of this State, and Federal Law Enforcement Officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

MISDEMEANOR — An offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one (1) year or less.

OF ANOTHER — Property that any entity, including but not limited to any natural person, corporation, limited liability company, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement.

OFFENSE — Any felony, ordinance violation, misdemeanor or infraction.

PHYSICAL INJURY — Slight impairment of any function of the body or temporary loss of use of any part of the body.

PLACE OF CONFINEMENT — Any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held.

POSSESS or POSSESSED — Having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his/her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one (1) person alone has possession of an object, possession is sole. If two (2) or more persons share possession of an object, possession is joint.

PROPERTY — Anything of value, whether real or personal, tangible or intangible, in possession or in action.

PUBLIC SERVANT — Any person employed in any way by a government of this State who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this State, or any person elected to a position with any government of this State. It includes, but is not limited to, legislators, jurors, members of the judiciary and Law Enforcement Officers. It does not include witnesses.

PURPOSELY — When used with respect to a person's conduct or to a result thereof, means when it is his/her conscious object to engage in that conduct or to cause that result.

RECKLESSLY — Consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

SERIOUS EMOTIONAL INJURY — An injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty.

SERIOUS PHYSICAL INJURY — Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

SERVICES — When used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions.

SEXUAL ORIENTATION — Male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender.

SPECIAL VICTIM — Any of the following:

1. A Law Enforcement Officer assaulted in the performance of his or her official duties or as a direct result of such official duties;
2. Emergency personnel, any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official duties or as a direct result of such official duties;

3. A probation and parole officer assaulted in the performance of his/her official duties or as a direct result of such official duties;
4. An elderly person;
5. A person with a disability;
6. A vulnerable person;
7. Any jailer or corrections officer of the State or one (1) of its political subdivisions assaulted in the performance of his/her official duties or as a direct result of such official duties;
8. A highway worker in a construction or work zone as the terms "highway worker," "construction zone" and "work zone" are defined under Section 304.580, RSMo.;
9. Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his/her job duties, including any person employed under a contract;
10. Any cable worker, meaning any employee of a cable operator, as such term is defined in Section 67.2677, RSMo., including any person employed under contract, while in the performance of his/her job duties; and
11. Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his/her job duties.

VEHICLE — A self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft.

VESSEL — Any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve (12) feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars.

VOLUNTARY ACT —

1. A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his/her control for a sufficient time to have enabled him or her to dispose of it or terminate his/her control; or
2. An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law.

VULNERABLE PERSON — Any person in the custody, care, or control of the Department of Mental Health who is receiving services from an operated, funded, licensed, or certified program.

Section 210.020. Attempt.

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

Section 210.030. Conspiracy.¹

- A. Guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purpose of promoting or facilitating the commission of an offense, agrees with another person or persons that they or one or more of them will engage in conduct which constitutes such offense.
- B. It is no defense to a prosecution for conspiring to commit an offense that a person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to commit the same offense, does not know the identity of such other person or persons.
- C. If a person conspires to commit a number of offenses, he or she can be found guilty of only one offense so long as such multiple offenses are the object of the same agreement.
- D. No person may be convicted of an offense based upon a conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or her or by a person with whom he or she conspired.
- E. *Exceptions.*
 - 1. No person shall be convicted of an offense based upon a conspiracy to commit an offense if, after conspiring to commit the offense, he/she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his/her criminal purpose.
 - 2. The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under Subsection (E)(1).
- F. For the purpose of time limitations on prosecutions:
 - 1. A conspiracy to commit an offense is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he or she conspired;
 - 2. If an individual abandons the agreement, the conspiracy is terminated as to him/her only if he/she advises those with whom he/she has conspired of his/her abandonment or

¹ Note: Under certain circumstances this offense can be a felony under state law.

he/she informs the law enforcement authorities of the existence of the conspiracy and of his/her participation in it.

- G. A person shall not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

Section 210.040. Responsibility For The Conduct of Another.

- A. A person is criminally responsible for the conduct of another when:
1. The ordinance defining the offense makes him/her so responsible; or
 2. Either before or during the commission of an offense with the purpose of promoting the commission of an offense, he/she aids or agrees to aid or attempts to aid such other person in planning, committing or attempting to commit the offense.
- B. However, a person is not so responsible if:
1. He/she is the victim of the offense committed or attempted;
 2. The offense is so defined that his/her conduct was necessarily incident to the commission or attempt to commit the offense. If his/her conduct constitutes a related but separate offense, he/she is criminally responsible for that offense but not for the conduct or offense committed or attempted by the other person; or
 3. Before the commission of the offense he/she abandons his/her purpose and gives timely warning to law enforcement authorities or otherwise makes proper effort to prevent the commission of the offense.
- C. The defense provided by paragraph (3) of Subsection (B) is an affirmative defense.

Section 210.050. through Section 210.110. (Reserved)

**ARTICLE II
Offenses Against the Person**

Section 210.120. Assault.²

- A. A person commits the offense of assault if:
1. The person attempts to cause or recklessly causes physical injury, physical pain or illness to another person;
 2. With criminal negligence the person causes physical injury to another person by means of a firearm;

² Editor's Note: As to assault of certain other persons, see the definition of "special victim" as set out in Section 210.010 of this Chapter.

3. The person purposely places another person in apprehension of immediate physical injury;
4. The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person;
5. The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or
6. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

Section 210.130. Domestic Assault. ³

- A. A person commits the offense of domestic assault if the act involves a domestic victim, as the term "domestic victim" is defined under Section 565.002, RSMo., and:
1. The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;
 2. With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;
 3. The person purposely places such domestic victim in apprehension of immediate physical injury by any means;
 4. The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;
 5. The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or
 6. The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

Section 210.140. (Reserved) ⁴

Section 210.150. Harassment.

A person commits the offense of harassment if he/she, without good cause, engages in any act with the purpose to cause emotional distress to another person.

Section 210.160. Stalking — Definitions. ⁵

³ Note: Under certain circumstances this offense can be a felony under state law

⁴ Editor's Note: This Section previously pertained to assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer. However, the authorizing statute, former RSMo. §565.083, was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017. See Section 210.120, Assault, as it relates to a "special victim."

A. *Definitions.* As used in this Section:

DISTURBS — Shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

- B. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.
- C. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of any violation of Federal, State, County, or Municipal Law.
- D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.

Section 210.170. Kidnapping. ⁶

A person commits the offense of kidnapping if he or she knowingly restrains another unlawfully and without consent so as to interfere substantially with his or her liberty.

Section 210.180. Endangering the Welfare of a Child. ⁷

- A. A person commits the offense of endangering the welfare of a child if he/she:
1. With criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old; or
 2. Knowingly encourages, aids or causes a child less than seventeen (17) years of age to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or
 3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years of age, recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or
 4. Knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 579.105, RSMo.

⁵ Under certain circumstances this offense can be a felony under state law.

⁶ Under certain circumstances this offense can be a felony under state law.

⁷ Under certain circumstances this offense can be a felony under state law.

- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

Section 210.190. Leaving a Child Unattended in a Motor Vehicle — Definitions. ⁸

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

COLLISION — The act of a motor vehicle coming into contact with an object or a person.

INJURES — To cause physical harm to the body of a person.

MOTOR VEHICLE — Any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.

UNATTENDED — Not accompanied by an individual fourteen (14) years of age or older.

- B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child less than eleven (11) years of age unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian.
- C. The offense of leaving a child unattended in a motor vehicle is an ordinance violation.

Section 210.200. through Section 210.290. (Reserved)

ARTICLE III

Offenses Concerning Administration of Justice

Section 210.300. Concealing an Offense. ⁹

- A. A person commits the offense of concealing an offense if he or she:
1. Confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or
 2. Accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

Section 210.310. Hindering Prosecution. ¹⁰

⁸ Note: Under certain circumstances this offense can be a felony under state law.

⁹ Note: Under certain circumstances this offense can be a felony under state law.

¹⁰ Note: Under certain circumstances this offense can be a felony under state law.

- A. A person commits the offense of hindering prosecution if, for the purpose of preventing the apprehension, prosecution, conviction or punishment of another person for conduct constituting an offense, he or she:
1. Harbors or conceals such person; or
 2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or
 3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
 4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

Section 210.320. Refusal To Identify as a Witness.

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

Section 210.330. Disturbing a Judicial Proceeding.

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

Section 210.340. Tampering With a Witness or Victim. ¹¹

- A. A person commits the offense of tampering with a witness or victim if:
1. With the purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information, or documents, or testify falsely, he or she:
 - a. Threatens or causes harm to any person or property; or
 - b. Uses force, threats or deception; or
 - c. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or

¹¹ Note: Under certain circumstances this offense can be a felony under state law.

- d. Conveys any of the foregoing to another in furtherance of a conspiracy; or
- 2. He or she purposely prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:
 - a. Making any report of such victimization to any peace officer, State, Local or Federal Law Enforcement Officer, prosecuting agency, or judge;
 - b. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;
 - c. Arresting or causing or seeking the arrest of any person in connection with such victimization.

Section 210.350. Tampering With Physical Evidence.¹²

- A. A person commits the offense of tampering with physical evidence if he/she:
 - 1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
 - 2. Makes, presents or uses any record, document or thing knowing it to be false with the purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

Section 210.360. Improper Communication.

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

Section 210.370. False Impersonation.

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

¹² Note: Under certain circumstances this offense can be a felony under state law.

- b. Causes another to act in reliance upon such representation; or
 - 3. Upon being arrested, falsely represents himself/herself, to a Law Enforcement Officer, with the first and last name, date of birth or social security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction or offense that contains the first and last name, date of birth and social security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.
- B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.
- C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

Section 210.380. False Reports.

- A. A person commits the offense of making a false report if he/she knowingly:
- 1. Gives false information to any person for the purpose of implicating another person in an offense; or
 - 2. Makes a false report to a Law Enforcement Officer that an offense has occurred or is about to occur; or
 - 3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.
- B. It is a defense to a prosecution under Subsection (A) of this Section that the person retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

Section 210.390. Resisting or Interfering With Arrest, Detention or Stop. ¹³

- A. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the Officer from effecting the arrest, stop or detention, he or she:
 - 1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
 - 2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to:
 - 1. Arrests, stops or detentions with or without warrants;
 - 2. Arrests, stops or detentions for any offense, infraction or ordinance violation; and
 - 3. Arrests for warrants issued by a court or a probation and parole officer.
- C. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her.
- D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

Section 210.400. Escape or Attempted Escape From Custody. ¹⁴

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

Section 210.410. Interference With Legal Process.

- A. A person commits the offense of interference with legal process if, knowing another person is authorized by law to serve process, he or she interferes with or obstructs such person for the purpose of preventing such person from effecting the service of any process.
- B. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

Section 210.420. Failure To Obey, Obstructing, Resisting, Etc., City Officials.

It shall be unlawful for any person to willfully and knowingly obstruct, resist, oppose or fail to obey a lawful command of any Police Officer or public official of the City, or any other person duly authorized in executing or attempting to execute and carry into effect any provision of this Code or other ordinance or order passed or made by the proper authorities of this City, or

¹³ Note: Under certain circumstances this offense can be a felony under state law.

¹⁴ Note: Under certain circumstances this offense can be a felony under state law.

in serving or attempting to serve any legal writ, warrant, process or order issued by the Mayor or other officer of the City.

Section 210.430. through Section 210.510. (Reserved)

ARTICLE IV
Offenses Concerning Public Safety

Section 210.520. Abandonment of Airtight or Semi-Airtight Containers.

- A. A person commits the offense of abandonment of an airtight or semi-airtight container if he or she knowingly abandons, discards, or permits to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half (1 1/2) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.
- B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse operator or repair person.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.
- D. The offense of abandonment of an airtight or semi-airtight container is an ordinance violation.

Section 210.530. Littering.

A person commits the offense of littering if he or she places, deposits, or causes to be placed or deposited, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this City or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or the City, or on any private real property owned by another without the owner's consent.

Section 210.540. Littering Via Carcasses.

- A. A person commits the offense of unlawful disposition of a dead animal if he or she knowingly places or causes to be placed the carcass or offal of any dead animal:
 - 1. Into any well, spring, brook, branch, creek, pond, or lake; or
 - 2. On any public road or highway, river, stream, or watercourse or upon premises not his or her own for the purpose of annoying another or others.

Section 210.550. Tampering With a Water Supply.

- A. A person commits the offense of tampering with a water supply if he or she purposely:
 - 1. Poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes; or
 - 2. Diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for his/her, their or its use.
- B. The offense of tampering with a water supply is an ordinance violation.

Section 210.560. Abandoning Motor Vehicle, Vessel or Trailer.

- A. A person commits the offense of abandoning a vehicle, vessel, or trailer if he or she knowingly abandons any vehicle, vessel, or trailer on:
 - 1. The right-of-way of any public road or State highway;
 - 2. On or in any of the waters in this State;
 - 3. On the banks of any stream;
 - 4. On any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision thereof;
 - 5. On any land or water owned, operated or leased by the Federal government; or
 - 6. On any private real property owned by another without his or her consent.
- B. For purposes of this Section, the last owner of record of a vehicle, vessel, or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie evidence of ownership of such vehicle, vessel, or trailer at the time it was abandoned and the person who abandoned the vehicle, vessel, or trailer or caused or procured its abandonment. The registered owner of the abandoned vehicle, vessel, or trailer shall not be subject to the penalties provided by this Section if the vehicle, vessel, or trailer was in the care, custody, or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the vehicle, vessel, or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the vehicle, vessel, or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the vehicle, vessel, or trailer is alleged to have been stolen, the owner of the vehicle, vessel, or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation.
- C. The offense of abandoning a vehicle, vessel, or trailer is an ordinance violation.

- D. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage, and administrative costs associated with the abandonment of the vehicle, vessel, or trailer. Any reasonable towing, storage, and administrative costs in excess of the value of the abandoned vehicle, vessel, or trailer that exist at the time the property is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, a notice within the time frame and in the form as described in Subsection 1 of Section 304.156, RSMo.

Section 210.570. through Section 210.650. (Reserved)

**ARTICLE V
Offenses Concerning Public Peace**

Section 210.660. Definitions.

As used in this Article, the following terms mean:

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

PROPERTY OF ANOTHER — Any property in which the person does not have a possessory interest.

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

Section 210.670. Peace Disturbance.

- A. A person commits the offense of peace disturbance if he or she:
1. Unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise; or
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or
 - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or
 - d. Fighting; or

- e. Creating a noxious and offensive odor.
- 2. 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.
- B. *Urinating Or Defecating In Places Open To Public View.* It shall be unlawful for any person, male or female, to urinate or defecate in a place open to public view.

Section 210.680. Private Peace Disturbance.

- A. A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:
 - 1. Threatening to commit an offense against any person; or
 - 2. Fighting.
- B. For purposes of this Section, if a building or structure is divided into separately occupied units, such units are separate premises.

Section 210.690. Unlawful Assembly.

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

Section 210.700. Rioting.

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

Section 210.710. Refusal To Disperse.

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

Section 210.720. Obstructing Public Places.

- A. *Definition.* The following term shall be defined as follows:

PUBLIC PLACE — Any place to which the general public has access and a right of resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

- B. It shall be unlawful for any person to stand or remain idle either alone or in consort with others in a public place in such manner so as to:
1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
 2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto;
 3. Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.
- C. When any person causes or commits any of the conditions in this Section, a Police Officer or any Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section.

Section 210.730. Disrupting a House of Worship.¹⁵

- A. For purposes of this Section, "house of worship" means any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose.
- B. A person commits the offense of disrupting a house of worship if such person:
1. Intentionally and unreasonably disturbs, interrupts, or disquiets any house of worship by using profane discourse, rude or indecent behavior, or making noise either within the house of worship or so near it as to disturb the order and solemnity of the worship services; or
 2. Intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person lawfully exercising the right of religious freedom in or outside of a house of worship or seeking access to a house of worship, whether by force, threat, or physical obstruction.

Section 210.740. Unlawful Funeral Protests Prohibited — Definitions.

- A. A person commits the offense of unlawful funeral protest if he or she pickets or engages in other protest activities within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue or other establishment during or within one (1) hour before or one (1) hour after the conducting of any actual funeral or burial service at that place.
- B. *Definitions.* As used in this Section, the following terms mean:

¹⁵ Note: Under certain circumstances this offense can be a felony under state law.

OTHER PROTEST ACTIVITIES — Any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.

FUNERAL and BURIAL SERVICE — The ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this Section does not apply to processions while they are in transit beyond any three-hundred-foot zone that is established under Subsection (A) above.

- C. The offense of unlawful funeral protest shall be an ordinance violation.

Section 210.750. Affrays.

If two (2) or more persons shall, in any public place, voluntarily or by agreement, engage in any fight, use any blows or do 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 persons so offending shall be deemed guilty of an affray.

Section 210.760. Loitering.

- A. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or in concert with others in a public place in such manner so as to:
1. Obstruct any public street, public highway or public sidewalk or any other public place or building by hindering or impeding the free and uninterrupted passage of vehicles, traffic or pedestrians.
 2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.
- B. When any person causes or commits any of the conditions enumerated in Subsection (A) of this Section, a Police Officer or any Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section and shall be so charged following the receipt by such officer of a signed complaint from a third (3rd) party.
- C. If a person takes flight upon appearance of a Police Officer who identifies himself as such or refuses to identify himself or attempts to conceal himself, said Police Officer has probable cause to believe a violation of this Chapter has occurred and is hereby duly authorized to make an arrest.
- D. Any violation of this Section is punishable under Section 100.190 of this Code.

Section 210.770. Panhandling and Aggressive Panhandling.

- A. *Definitions.* The following definitions shall apply to the provisions of this Section:

AGGRESSIVE PANHANDLING — Panhandling in the following manner:

1. To approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:
 - a. Imminent bodily injury, or
 - b. The commission of a criminal act upon the person or another person or upon property in the person's immediate possession;
2. To persist in panhandling after the person solicited has given a negative response;
3. To block, either individually or as part of a group of persons, the passage of a solicited person;
4. To touch a solicited person without the person's consent;
5. To render any service to a motor vehicle, including, but not limited to, any cleaning, washing, protecting, guarding or repairing of said vehicle or any portion thereof, without the prior consent of the owner, operator or occupant of such vehicle and thereafter asking, begging or soliciting alms or payment for the performance of such service, regardless of whether such vehicle is stopped, standing or parked on a public street or upon other public or private property; or
6. To engage in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to make a donation.

CHARITABLE ORGANIZATION — Any non-profit community organization, fraternal, benevolent, educational, philanthropic or service organization, or governmental employee organization, which solicits or obtains contributions solicited from the public for charitable purposes or holds any assets solely for charitable purposes.

PANHANDLING — Any solicitation in person, by a person, other than a charitable organization, for an immediate grant of money, goods or any other form of gratuity from any other person when the person making the request is not known to the person(s) who is the subject of the request. The term "*panhandling*" shall not mean the act of passively standing or sitting with a sign or other indicator that a donation of money, goods or any other form of gratuity is being sought without any vocal request other than a response to an inquiry by another person.

B. *Prohibitions.*

1. It shall be unlawful for any person to engage in aggressive panhandling.
2. It shall be unlawful for any person to engage in the act of panhandling when either the panhandler or the person being solicited is located in, on, or at any of the following locations:
 - a. In any public transportation vehicle;
 - b. Within fifty (50) feet of an automatic teller machine or entrance to a bank;
 - c. Within fifty (50) feet of a point of entry to or exit from any building open to the public, including commercial establishments;

- d. At any sidewalk cafe;
 - e. Within fifty (50) feet of any public or private school;
 - f. At any bus stop or cab stand;
 - g. Within fifty (50) feet of any crosswalk;
 - h. Within any municipal or government owned building, park, golf course or playground.
3. It shall be unlawful for any person to engage in the act of panhandling on private property or inside a business without written permission from the owner.
 4. It shall be unlawful for any person to engage in the act of panhandling after 8:00 P.M. and before 7:00 A.M. during any dates on which daylight-saving time is in effect; or after 7:00 P.M. and before 7:00 A.M. during any dates on which daylight-saving time is not in effect.
 5. It shall be unlawful for any person to panhandle in a group of two (2) or more persons.
 6. Nothing in this Section shall abrogate or abridge provisions of Chapter 610 of this Code or effect any solicitations made by charitable organizations acting under that Section.
 7. Any violation of this Section is punishable under Section 100.190 of this Code.

Section 210.780. through Section 210.820. (Reserved)

**ARTICLE VI
Offenses Concerning Weapons and Firearms**

Section 210.830. Definitions.

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

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

1. "Antique firearm" is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof;
2. Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

BLACKJACK — 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.

BLASTING AGENT — Any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this Section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

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

DEFACE — To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

DETONATOR — Any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, non-electric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors.

EXPLOSIVE WEAPON — Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this Article, the term "explosive" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents.

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

FIREARM SILENCER — Any instrument, attachment or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

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 repellent or temporary incapacitating substance.

INTOXICATED — Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

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 Article, "knife" does not include any ordinary pocketknife with no blade more than four (4) inches in length.

KNUCKLES — Any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

MACHINE GUN — Any firearm that is capable of firing more than one (1) shot automatically, without manual reloading, by a single function of the trigger.

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.

RIFLE — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

SHORT BARREL — A barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six (26) inches.

SHOTGUN — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

SPRING GUN — Any fused, timed or non-manually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

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

1. That opens automatically by pressure applied to a button or other device located on the handle; or
2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

Section 210.840. Weapons — Carrying Concealed — Other Unlawful Use.¹⁶

- A. A person commits the offense of unlawful use of weapons if he/she knowingly:
1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
 2. Sets a spring gun; or
 3. Discharges or shoots a firearm within the City limits;¹⁷ or
 4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
 5. Has a firearm or projectile weapon readily capable of lethal use on his/her person, while he/she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self defense; or
 6. Openly carries a firearm or any other weapon readily capable of lethal use within the City limits; or

¹⁶ Note: Under certain circumstances this offense can be a felony under state law.

¹⁷ State :aw Reference: §252/243.3, RSMo., limits the discharge of firearms in certain areas known as “Hunting Heritage Protection Areas,” which are defined therein.

7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
 8. Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of Section 579.015, RSMo.
- B. Subsections (A)(1) and (7) of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subsections (A)(3) and (4) of this Section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:
1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 3. Members of the Armed Forces or National Guard while performing their official duty;
 4. Those persons vested by Article V, Section 1, of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
 5. Any person whose bona fide duty is to execute process, civil or criminal;
 6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. §44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;
 7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;
 8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Department of Public Safety under Section 590.750, RSMo.;
 9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;

10. Any prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.;
 11. Any member of a Fire Department or Fire Protection District who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or valid concealed carry permit under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and
 12. Upon the written approval of the Governing Body of a Fire Department or Fire Protection District, any paid Fire Department or Fire Protection District Chief who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.
- C. Subsections (A)(1), (5) and (7) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subsection (A)(1) of this Section does not apply to any person nineteen (19) years of age or older or eighteen (18) years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subsection (A)(7) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.
- D. Subsections (A)(1) and (7) of this Section shall not apply to any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.
- E. Subsections (A)(3), (4), (5) and (7) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

Section 210.850. Possession, Manufacture, Transport, Repair, Sale of Certain Weapons.¹⁸

- A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:
1. An explosive weapon;
 2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
 3. A gas gun;
 4. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm;
 5. Knuckles; or
 6. Any of the following in violation of Federal law:
 - a. A machine gun;
 - b. A short-barreled rifle or shotgun;
 - c. A firearm silencer; or
 - d. A switchblade knife.
- B. A person does not commit an offense pursuant to this Section if his/her conduct involved any of the items in Subsections (A)(1) through (5), the item was possessed in conformity with any applicable Federal law, and the conduct:
1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution; or
 2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Subparagraph of this Subsection (1) ; or
 3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
 4. Was incident to displaying the weapon in a public museum or exhibition; or
 5. Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

Section 210.860. Defacing Firearm.

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.

Section 210.870. Purchase in Another State by Missouri Residents, Permitted When.

¹⁸ Note: Under certain circumstances this offense can be a felony under state law.

Residents of the State of Missouri may purchase firearms in any State, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, 18 U.S.C. §921 et seq., and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which the purchase is made.

Section 210.880. Purchase in Missouri by Non-Resident, Permitted When.

Residents of any State may purchase firearms in the State of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, 18 U.S.C. §921 et seq., and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which such persons reside.

Section 210.890. Unlawful Transfer of Weapons.¹⁹

- A. A person commits the offense of unlawful transfer of weapons if he/she:
1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
 2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

Section 210.900. Carrying Concealed Firearms Prohibited — Penalty for Violation.

- A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult,

¹⁹ Note: Under certain circumstances this offense can be a felony under state law.

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

4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subsection shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subsection are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of Subsection (1) of Section 571.107, RSMo. Nothing in this Subsection shall preclude those persons listed in Subsection (B)(1) of Section 210.840 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2), (4) and (10) of Section 210.840, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of Subsection (1) of Section 571.107, RSMo., from carrying a concealed firearm within any of the areas described in this Subsection. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subsection shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
5. Any meeting of the Osage Beach Board of Aldermen, except that nothing in this Subsection shall preclude a member of the Board of Aldermen holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the Board of Aldermen of which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
6. Any building owned, leased or controlled by the City of Osage Beach identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by the City of Osage Beach. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation;
7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subsection shall not apply to the licensee of said establishment. The provisions of this Subsection shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subsection does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal

offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subsection authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
9. Any place where the carrying of a firearm is prohibited by Federal law;
10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subsection shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;
12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a

conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry permit or endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third citation for a similar violation is issued within one (1) year of the first citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry permit or endorsement and the Department of Revenue.
 2. If the violator does not hold a current valid concealed carry permit or endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.190 of this Code of Ordinances.

3. Employees of the City of Osage Beach may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry permit or endorsement pursuant to State law to fail to carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry permit or endorsement upon the request of any Peace Officer.

Section 210.910. Open Display of Firearm Permitted, When.

Any person who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

Section 210.920. Discharging Air Gun, Etc.

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

Section 210.930. Target, Trap and Skeet Shooting Permitted.

This Section shall not apply to target, trap and skeet ranges if they have been inspected and approved by the Police Department for safety of design and operation and a permit fee of five dollars (\$5.00) per year has been paid to the City Clerk. Such permit, when issued, shall be conspicuously displayed upon the range. No fee shall be required for private basement ranges used only by residential occupants.

Section 210.940. Medical Deception — Penalty — Immunity, When.

- A. A person licensed under Chapter 334 or 335, RSMo., who treats a person for a wound inflicted by gunshot commits the infraction of medical deception if he or she knowingly fails to immediately report to a local Law Enforcement Official the name and address of the person, if known, and if unknown, a description of the person, together with an explanation of the nature of the wound and the circumstances under which the treatment was rendered.
- B. A person licensed under Chapter 334 or 335, RSMo., who, in good faith, makes a report under this Section shall have immunity from civil liability that otherwise might result from such report and shall have the same immunity with respect to any good faith participation in any judicial proceeding in which the reported gunshot wound is an issue. Notwithstanding the provisions of Subdivision (5) of Section 491.060, RSMo., the existence of a physician-patient relationship shall not prevent a physician from submitting the report required in this Section, or testifying regarding information acquired from a patient treated for a gunshot wound if such testimony is otherwise admissible.

Section 210.950. Possession of Firearm Unlawful for Certain Persons — Penalty — Exception.²⁰

- A. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:
1. Such person has been convicted of a felony under the laws of this State, or of a crime under the laws of any State or of the United States which, if committed within this State, would be a felony; or
 2. Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.
- B. The provisions of Subsection (A)(1) of this Section shall not apply to the possession of an antique firearm.

Section 210.960. through Section 210.1010. (Reserved)

ARTICLE VII
Offenses Concerning Property

Section 210.1020. Definitions.

As used in this Article, the following terms mean:

ENTER UNLAWFULLY or REMAIN UNLAWFULLY — A person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

TO TAMPER — To interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing.

UTILITY — An enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.

Section 210.1030. Tampering.²¹

- A. A person commits the offense of tampering if he/she:
1. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or

²⁰ Note: This offense is a felony under state law.

²¹ Note: Under certain circumstances this offense can be a felony under state law.

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

Section 210.1040. Property Damage. ²²

- A. A person commits the offense of property damage if he/she:
1. Knowingly damages property of another; or
 2. Damages property for the purpose of defrauding an insurer.

Section 210.1050. Claim of Right.

- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.
- B. The defendant shall have the burden of injecting the issue of claim of right.
- C. No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs or removes any part of a leased structure or dwelling unit, or the facilities, equipment or appurtenances thereof, may inject the issue of claim of right.

Section 210.1060. Trespass in the First Degree.

- A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

²²Note: Under certain circumstances this offense can be a felony under state law.

- B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
 1. Actual communication to the actor; or
 2. Posting in a manner reasonably likely to come to the attention of intruders.

Section 210.1070. Trespass in the Second Degree.

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

Section 210.1080. Trespass of a School Bus.

- A. A person commits the offense of trespass of a school bus if he or she knowingly and unlawfully enters any part of or unlawfully operates any school bus.
- B. For the purposes of this Section, the terms "unlawfully enters" and "unlawfully operates" refer to any entry or operation of a school bus which is not:
 1. Approved of and established in a school district's written policy on access to school buses; or
 2. Authorized by specific written approval of the school board.
- C. In order to preserve the public order, any district which adopts the policies described in Subsection (B) of this Section shall establish and enforce a student behavior policy for students on school buses.

Section 210.1090. Reckless Burning or Exploding.

A person commits the offense of reckless burning or exploding if he/she recklessly starts a fire or causes an explosion and thereby damages or destroys the property of another.

Section 210.1100. Negligent Burning or Exploding.

- A. A person commits the offense of negligent burning or exploding if he/she with criminal negligence causes damage to property or to the woodlands, cropland, grassland, prairie, or marsh of another by:
 1. Starting a fire or causing an explosion; or
 2. Allowing a fire burning on lands in his or her possession or control onto the property of another.

Section 210.1110. Stealing.²³

- A. A person commits the offense of stealing if he or she:

²³Note: Under certain circumstances this offense can be a felony under state law.

1. Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;
2. Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or
3. For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

Section 210.1120. Theft of Motor Fuel.

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.
- B. A person found guilty or pleading guilty to stealing pursuant to Section 210.1110 for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

Section 210.1130. (Reserved)²⁴

Section 210.1140. Financial Exploitation of an Elderly Person or Person With a Disability — Certain Defense Prohibited.²⁵

- A. A person commits the offense of financial exploitation of an elderly person or a person with a disability if such person knowingly obtains control over the property of the elderly person or person with a disability with the intent to permanently deprive the person of the use, benefit or possession of his or her property thereby benefitting the offender or detrimentally affecting the elderly person or person with a disability by:
 1. Deceit;
 2. Coercion;
 3. Creating or confirming another person's impression which is false and which the offender does not believe to be true;
 4. Failing to correct a false impression which the offender previously has created or confirmed;

²⁴ Editor's Note: this Section previously pertained to receiving stolen property. However, the authorizing statute, former RSMo. §570.080, was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017.

²⁵ Note: Under certain circumstances this offense can be a felony under state law.

5. Preventing another person from acquiring information pertinent to the disposition of the property involved;
 6. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record;
 7. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform; or
 8. Undue influence, which means the use of influence by someone who exercises authority over an elderly person or person with a disability in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony. "Undue influence" includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.
- B. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- C. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good-faith effort to assist the elderly person or person with a disability in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.
- D. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly person or person with a disability has become accustomed at the time of such actions.
- E. It shall not be a defense to financial exploitation of an elderly person or person with a disability that the accused reasonably believed that the victim was not an elderly person or person with a disability.
- F. *Medicaid Funds.* It shall be unlawful in violation of this Section for any person receiving or in the possession of funds of a Medicaid-eligible elderly person or person with a disability residing in a facility licensed under Chapter 198, RSMo., to fail to remit to the facility in which the Medicaid-eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the Department of Social Services, Family Support Division, or its successor. The Department of Social Services, Family Support Division, or its successor is authorized to release information from its records containing the resident's income or assets to any prosecuting or circuit attorney in the State of Missouri for purposes of investigating or prosecuting any suspected violation of this Section.
- G. The offense of financial exploitation of an elderly person or person with a disability is an ordinance violation.

Section 210.1150. Fraudulent Use of a Credit or Debit Device. ²⁶

- A. A person commits the offense of fraudulent use of a credit device or debit device if he or she uses a credit device or debit device for the purpose of obtaining services or property, knowing that:
1. The device is stolen, fictitious or forged; or
 2. The device has been revoked or canceled; or
 3. For any other reason his or her use of the device is unauthorized; or
- B. A person commits the offense of fraudulent use of a credit device or debit device if he or she uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels such charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels such charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue.

Section 210.1160. Deceptive Business Practice.

- A. A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession, he or she recklessly:
1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;
 2. Sells, offers, displays for sale, or delivers less than the represented quantity of any commodity or service;
 3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he or she furnishes the weight or measure;
 4. Sells, offers, or exposes for sale adulterated or mislabeled commodities;
 5. Makes a false or misleading written statement for the purpose of obtaining property or credit;
 6. Promotes the sale of property or services by a false or misleading statement in any advertisement; or
 7. Advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:
 - a. At the price which he or she offered them;
 - b. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
 - c. At all.

Section 210.1170. Alteration or Removal of Item Numbers With Intent To Deprive Lawful Owner. ²⁷

²⁶ Note: Under certain circumstances this offense can be a felony under state law.

- A. A person commits the offense of alteration or removal of item numbers if he/she with the purpose of depriving the owner of a lawful interest therein:
1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;
 2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
 3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

Section 210.1180. Stealing Leased or Rented Personal Property — Enforcement Procedure — Penalty — Venue.²⁸

- A. A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:
1. Purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property;
 2. Conceals or aids or abets the concealment of the property from the owner;
 3. Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented property or any part thereof, without the written consent of the lessor, or without informing the person to whom the property is transferred to, that the property is subject to a lease;
 4. Returns the property to the lessor at the end of the lease term, plus any agreed upon extensions, but does not pay the lease charges agreed upon in the written instrument, with the intent to wrongfully deprive the lessor of the agreed upon charges.
- B. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

²⁷ Note: Under certain circumstances this offense can be a felony under state law.

²⁸ Note: Under certain circumstances this offense can be a felony under state law.

- C. Evidence that a lessee used a false, fictitious, or not current name, address, or place of employment in obtaining the property or that a lessee fails or refuses to return the property or pay the lease charges to the lessor within seven (7) days after written demand for the return has been sent by certified mail, return receipt requested, to the address the person set forth in the lease agreement, or in the absence of the address, to the person's last known place of residence, shall be evidence of intent to violate the provisions of this Section, except that if a motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of stealing leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the seven-day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.
- D. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner commits the offense of property damage pursuant to Section 569.100, RSMo., or Section 210.1040 of this Code in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.

Section 210.1190. Passing Bad Checks.²⁹

- A. A person commits the offense of passing a bad check when he/she:
1. With the purpose to defraud, makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that it will not be paid by the drawee or that there is no such drawee; or

²⁹ Note: Under certain circumstances this offense can be a felony under state law.

2. Makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.
- B. As used in Subsection (A)(2) of this Section, "actual notice in writing" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

Section 210.1200. Shoplifting — Detention of Suspect by Merchant — Liability Presumption.

- A. *Definitions.* As used in this Section, the following definitions shall apply:

MERCANTILE ESTABLISHMENT — Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

MERCHANDISE — All goods, wares and merchandise offered for sale or displayed by a merchant.

MERCHANT — Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

WRONGFUL TAKING — Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

- B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.
- C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of

Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his/her agent or employee in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful nor render such merchant, his/her agent or employee criminally or civilly liable.

Section 210.1210. Copper Wire or Cable, Catalytic Converters, Collectors and Dealers To Keep Register, Information Required — Penalty — Exempt Transactions.

- A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:
1. Copper, brass or bronze;
 2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener;
 3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.; whatever may be the condition or length of such metal; or
 4. Catalytic converter.
- B. The record required by this Section shall contain the following data:
1. A copy of the driver's license or photo identification issued by the State or by the United States Government or agency thereof to the person from whom the material is obtained;
 2. The current address, gender, birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in Subsection (B)(1) of this Subsection;
 3. The date, time and place of the transaction;
 4. The license plate number of the vehicle used by the seller during the transaction;
 5. A full description of the metal, including the weight and purchase price.
- C. The records required under this Section shall be maintained for a minimum of twenty-four (24) months from when such material is obtained and shall be available for inspection by any Law Enforcement Officer.
- D. Anyone convicted of violating this Section shall be guilty of an ordinance violation.
- E. This Section shall not apply to any of the following transactions:
1. Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars (\$50.00), unless the scrap metal is a catalytic converter;

2. Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or
3. Any transaction for which the type of metal subject to Subsection (A) of this Section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

Section 210.1220. Metal Beer Keg, Prohibition on Purchase or Possession by Scrap Metal Dealer — Violation, Penalty.

- A. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal except when the purchase is from the brewer or its authorized representative. For purposes of this Section, "keg" shall have the same meaning as in Section 311.082, RSMo.
- B. Anyone who is found guilty of, or pleads guilty to, violating this Section shall be guilty of an ordinance violation punishable only by fine. Nothing in this Section shall be construed to preclude a person violating this Section from also being prosecuted for any applicable criminal offense.

Section 210.1230. Metal Belonging to Various Entities — Scrap Yard Not To Purchase — Violation, Penalty.

- A. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility or utility regulated under Chapters 386 or 393, RSMo., including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under Chapter 386 or 393, RSMo., or manufacturer of the metal or item described in this Section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under Chapter 386 or 393, RSMo., or manufacturer to sell the metal.
- B. Anyone convicted of violating this Section shall be guilty of an ordinance violation.

Section 210.1240. Scrap Metal Dealers — Payments in Excess of \$500.00 To Be Made by Check — Exceptions.

- A. Any scrap metal dealer paying out an amount that is five hundred dollars (\$500.00) or more shall make such payment by issuing a prenumbered check drawn

on a regular bank account in the name of the licensed scrap metal dealer and with such check made payable to the person documented as the seller in accordance with this Section, or by using a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with Chapter 407, RSMo.

- B. Any scrap metal dealer that purchases scrap metal from a seller and pays in the form of cash is required to obtain a copy of the seller's driver's license or non-driver's license if the metal is copper or a catalytic converter. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.
- C. Any person in violation of Sections 210.1210 to 210.1240 by selling stolen scrap metal shall be responsible for consequential damages related to obtaining the scrap metal.

Section 210.1250. Removal of Earth.

It is unlawful for any person to move, disturb, or take, any earth, stone, or other material from any public street, alley, park or other public ground.

Section 210.1260. Posting Bills.

It is unlawful for any person to post any card, poster, or other advertising device upon any public or private property unless legally authorized to do so.

Section 210.1270. Lost Property.

- A. A person who appropriates lost property shall not be deemed to have stolen that property within the meaning of Section 210.1110 unless such property is found under circumstances which gave the finder knowledge of or means of inquiry as to the true owner.
- B. The defendant shall have the burden of injecting the issue of lost property.

Section 210.1280. False Advertising.

It is unlawful for any person in connection with the promotion of the sale of, or to increase the consumption of, property or services, recklessly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.

Section 210.1290. Bait Advertising.

- A. It is unlawful for any person to advertise in any manner the sale of property or services with the purpose not to sell or provide the property or services:
 1. At the price which he/she offered them;
 2. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or

3. At all.

Section 210.1300. through Section 210.1340. (Reserved)

**ARTICLE VIII
Offenses Concerning Prostitution**

Section 210.1350. Article Definitions.

As used in this Article, the following terms mean:

DEVIATE SEXUAL INTERCOURSE — Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue, or anus of another person; or any act involving the penetration, however slight, of the penis, the female genitalia, or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

PERSISTENT PROSTITUTION OFFENDER — A person who has been found guilty of two (2) or more prostitution-related offenses.

PROSTITUTION-RELATED OFFENSE — Any violation of State law for prostitution, patronizing prostitution, or promoting prostitution.

SEXUAL CONDUCT — Sexual intercourse, deviate sexual intercourse, or sexual contact.

SEXUAL CONTACT — Any touching of another person with the genitals or any touching of the genitals or anus of another person or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person or for the purpose of terrorizing the victim.

SEXUAL INTERCOURSE — Any penetration, however slight, of the female genitalia by the penis.

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

Section 210.1360. Prostitution.³⁰

A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

Section 210.1370. Patronizing Prostitution.³¹

A. A person commits the offense of patronizing prostitution if he or she:

³⁰ Note: Under certain circumstances this offense can be a felony under state law.

³¹ Note: Under certain circumstances this offense can be a felony under state law.

1. Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or
 2. Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or
 3. Solicits or requests another person to engage in sexual conduct with any person in return for something of value.
- B. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen (18) years of age or older.

Section 210.1380. (Reserved) ³²

Section 210.1390. Prostitution Houses Deemed Public Nuisances.

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

Section 210.1400. through Section 210.1490. (Reserved)

ARTICLE IX
Sexual Offenses

Section 210.1500. Article Definitions.

As used in this Article, the following terms shall have the meanings set forth herein:

DEVIATE SEXUAL INTERCOURSE — Any act involving the genitals of one person and the hand, mouth, tongue or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the

³² Editor's Note: this Section previously noted that in prosecutions of prostitution and patronizing prostitution, the sex (gender) of the parties was no defense. However, the authorizing statute, former RSMo. §567.040, was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017.

purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

EROTIC DANCE — Any dance performed by an erotic dancer in an erotic dance establishment that emphasizes or seeks to arouse or excite a patron's sexual desires.

EROTIC DANCE ESTABLISHMENT — A fixed place of business which, as a portion or all of its business, emphasizes activities or seeks, through one (1) or more dancers, to arouse or excite the patrons' sexual desires or sexual fantasies whether or not alcoholic beverages, beer, intoxicating liquor, or other non-intoxicating beverages are sold or consumed on the premises.

EROTIC DANCER — Any male or female who performs in an erotic dance establishment who is not fully clothed or is wearing clothing designed to accentuate the body in a manner which would tend to sexually arouse another person.

NUDITY — The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola or any part of the female breast below the areola, or the showing of the covered male genitals in a discernibly turgid state.

PATRON — A customer of an establishment where erotic dancing occurs while on the premises.

SEXUAL CONDUCT — Sexual intercourse, deviate sexual intercourse or sexual contact.

SEXUAL CONTACT — Any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

SEXUAL INTERCOURSE — Any penetration, however slight, of the female genitalia by the penis.

Section 210.1510. Sexual Misconduct.

- A. A person commits the offense of sexual misconduct in the first degree if such person:
1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
 2. Has sexual contact in the presence of a third person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or
 3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

Section 210.1520. Sexual Abuse.³³

A person commits the offense of sexual abuse in the second degree if he/she purposely subjects another person to sexual contact without that person's consent.

Section 210.1530. Certain Offenders Not To Physically Be Present or Loiter Within 500 Feet of a Child Care Facility — Violation — Penalty.

- A. Any person who has been found guilty of:
1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
 2. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;
- shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact, or communicate with any child under eighteen (18) years of age in any child-care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.
- B. For purposes of this Section, "child care facility" shall include any child care facility licensed under Chapter 210, RSMo., or any child care facility that is exempt from State licensure but subject to State regulation under Section 210.252, RSMo., and holds itself out to be a child care facility.
- C. Violation of the provisions of this Section is an ordinance violation.

Section 210.1540. Certain Offenders Not To Be Present Within 500 Feet of School Property, Exception — Permission Required for Parents or Guardians Who Are Offenders, Procedure.

- A. Any person who has been found guilty of:
1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

³³ Note: Under certain circumstances this offense can be a felony under state law.

2. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in Subsection (B) of this Section.

- B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the parent, legal guardian, or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.
- C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section is an ordinance violation.

Section 210.1550. Halloween, Restrictions on Conduct — Violations.

- A. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., shall be required on October 31st of each year to:
 1. Avoid all Halloween-related contact with children;
 2. Remain inside his or her residence between the hours of 5:00 P.M. and 10:30 P.M. unless required to be elsewhere for just cause including, but not limited to, employment or medical emergencies;
 3. Post a sign at his or her residence stating "No candy or treats at this residence"; and
 4. Leave all outside residential lighting off during the evening hours after 5:00 P.M.

- B. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., who violates the provisions of Subsection (A) of this Section shall be guilty of an ordinance violation.

Section 210.1560. Urinating in Public.

It shall be unlawful for any person within the City to urinate in or upon any street, park, any public place open to the public or private place open to public view other than in the restroom facilities provided for such activity.

Section 210.1570. through Section 210.1660. (Reserved)

**ARTICLE X
Offenses Concerning Pornography**

Section 210.1670. Definitions.

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

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

MATERIAL — Anything printed or written, or any picture, drawing, photograph, motion-picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates, stored computer data, and other latent representational objects.

MINOR — Any person less than eighteen (18) years of age.

NUDITY or STATE OF NUDITY — The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola.

OBSCENE — Any material or performance if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

PERFORMANCE — Any play, motion-picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PORNOGRAPHIC FOR MINORS — Any material or performance if the following apply:

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

PROMOTE — To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same, by any means including a computer.

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

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

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

Section 210.1680. Promoting Pornography for Minors or Obscenity.³⁴

- A. A person commits the offense of promoting pornography for minors or obscenity if, knowing of its content and character, he/she:
 1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain; or
 2. Produces, presents, directs or participates in any obscene performance for pecuniary gain; or
 3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or
 4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
 5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

³⁴ Note: Under certain circumstances this offense can be a felony under state law.

Section 210.1690. Furnishing Pornographic Materials to Minors. ³⁵

- A. A person commits the offense of furnishing pornographic material to minors if, knowing of its content and character, he/she:
1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or
 2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
 3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.
- B. It is not a defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.
- C. The offense of furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation.

Section 210.1700. through Section 210.1790. (Reserved)

ARTICLE XI
Offenses Concerning Drugs

Section 210.1800. Possession of Marijuana or Synthetic Cannabinoid. ³⁶

A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579 or Chapter 195, RSMo.³⁷

Section 210.1810. Possession of a Controlled Substance. ³⁸

A person commits the offense of possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., or Chapter 195, RSMo.³⁹

Section 210.1820. Limitations on the Retail Sale of Methamphetamine Precursor Drugs.

³⁵ Note: Under certain circumstances this offense can be a felony under state law.

³⁶ Note: Under certain circumstances this offense can be a felony under state law.

³⁷ State Law Reference: For similar statutory provision and the elements setting the levels of this offense, see §§195.010, 195.017 and 579.015, RSMo.

³⁸ Note: Under certain circumstances this offense can be a felony under state law.

³⁹ State Law Reference: For similar statutory provisions and the elements setting the levels of this offense, see §§195.010, 195.017 and 579.015, RSMo.

- A. The retail sale of methamphetamine precursor drugs shall be limited to:
1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
 2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.
- B. The penalty for a knowing violation of Subsection (A) of this Section is found in Section 569.060, RSMo.

Section 210.1830. Unlawful Possession of Drug Paraphernalia. ⁴⁰

A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or an imitation controlled substance in violation of Chapter 579, RSMo., or Chapter 195, RSMo.

Section 210.1840. Inhalation or Inducing Others To Inhale Solvent Fumes to Cause Certain Reactions, Prohibited — Exceptions.

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

Section 210.1850. Inducing, or Possession With Intent To Induce, Symptoms by Use of Solvents and Other Substances, Prohibited.

- A. As used in this Section, "alcohol beverage vaporizer" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.
- B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:
1. Solvents, particularly toluol;
 2. Ethyl alcohol;

⁴⁰ Note: Under certain circumstances this offense can be a felony under state law.

3. Amyl nitrite and its iso-analogues;
 4. Butyl nitrite and its iso-analogues;
 5. Cyclohexyl nitrite and its iso-analogues;
 6. Ethyl nitrite and its iso-analogues;
 7. Pentyl nitrite and its iso-analogues; and
 8. Propyl nitrite and its iso-analogues.
- C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.
- D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 210.1840 and this Section.
- E. No person shall possess or use an alcoholic beverage vaporizer.
- F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

Section 210.1860. Possession or Purchase of Solvents To Aid Others in Violations, Prohibited — Violations of Sections 210.1840 to 210.1850 — Penalty.⁴¹

- A. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.1840 and 210.1850 hereof.
- B. Any person who violates any provision of Sections 210.1840 through 210.1860 is guilty of an ordinance violation for the first violation.

Section 210.1870. Regulating Erotic Dance Establishments, Erotic Dance and Erotic Dancers — Restrictions — Licensing and Records.

- A. *Restrictions On Erotic Dance Performances.*
1. It shall be unlawful for any person under the age of eighteen (18) years to be in or upon any premises for which an erotic dance establishment license is required.
 2. It shall be unlawful for any erotic dancer to have any sexual contact with any patron.
 3. It shall be unlawful for any erotic dancer to dance at a distance of less than ten (10) feet from any patron or to touch any patron while dancing.

⁴¹ Note: Under certain circumstances this offense can be a felony under state law.

4. It shall be unlawful for any erotic dancer to dance on a stage that is not raised at least two (2) feet above the area on which the patron or patrons sit or stand.
5. It shall be unlawful for any patron to tip, pay, give a gratuity or other thing of value to any erotic dancer or to someone else in his/her behalf and it shall be unlawful for any erotic dancer to receive from a patron in any manner any tip, pay, gratuity or other thing of value either directly or indirectly. It shall also be unlawful for any erotic dancer to solicit any pay, tip, gratuity, or other thing of value from any patron.
6. It shall be unlawful for any patron to have sexual contact with any erotic dancer.

B. *Licensing And Business Records.*

1. It shall be unlawful for any establishment in which erotic dancing occurs to allow erotic dancing to occur on premises without an erotic dance establishment license.
 - a. A prospective licensee shall provide the Osage Beach Police Department with his/her name, address, phone number, principal occupation, and similar information for all partners or stockholders in the venture, as well as a description of the proposed establishment, the nature of the proposed business, and the magnitude thereof. Upon providing this information, a license to allow erotic dancing within the establishment will be issued within five (5) business days.
 - b. Owners or operators of an establishment with an erotic dance license shall maintain business records that include the names and addresses and ages of all persons employed as dancers or contracted to perform dances for a period of two (2) years. Said list or lists shall be made available to the Osage Beach Police Department upon request at any time. No later than March first (1st) of each year, an erotic dance establishment licensee shall file a verified report with the City Clerk showing the licensee's gross receipts and the amounts paid to each of the dancers, identifying each by name and amount, for the preceding calendar year.
2. It shall be unlawful for any erotic dancer to dance at an erotic dance establishment within the City limits of the City of Osage Beach, Missouri, without first securing a license to do so from the City of Osage Beach. A dancer applying for a license shall provide the City with his/her name, address, phone number, birth date, aliases (past and present), and the business name or names and address or addresses where the dancer intends to dance. The license shall be obtained from the Osage Beach Police Department and shall be issued upon application or at least within two (2) business days thereafter.

Section 210.1880. through Section 210.1960. (Reserved)

ARTICLE XII
(Reserved)

Section 210.1970. through Section 210.2090. (Reserved)

ARTICLE XIII
Offenses Concerning Tobacco, Alternative Nicotine Products or Vapor Products

Section 210.2100. Definitions.

For purposes of this Article, the following definitions shall apply:

ALTERNATIVE NICOTINE PRODUCT — Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product" does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.⁴²

CENTER OF YOUTH ACTIVITIES — Any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen (18) for recreational, educational or other purposes.

DISTRIBUTE — A conveyance to the public by sale, barter, gift or sample.

MINOR — A person under the age of eighteen (18).

PROOF OF AGE — A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS — Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE — A tobacco product, alternative nicotine product or vapor product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING — The distribution to members of the general public of tobacco product, alternative nicotine product or vapor product samples.

TOBACCO PRODUCTS — Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, but does not include alternative nicotine products or vapor products.

⁴² Editor's Note: See 21 U.S.C. §351 et seq.

VAPOR PRODUCT — Any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any alternative nicotine product or tobacco product.

VENDING MACHINE — Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative nicotine products or vapor products.

Section 210.2105. No Tobacco Sales to Minors — Alternative Nicotine Products, Vapor Products and Nicotine Liquid Containers — Sale to Minors Prohibited.

- A. Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to any person who is less than eighteen (18) years of age.
- B. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the Internet in this State in violation of Subsection (A) of this Section shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
- C. Alternative nicotine products and vapor products shall only be sold to persons eighteen (18) years of age or older, shall be subject to local and State sales tax, but shall not be otherwise taxed or regulated as tobacco products.
- D. *Nicotine Liquid Containers — Regulations.*
 1. Any nicotine liquid container that is sold at retail in this State shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on the effective date of this Section when tested in accordance with the method described in 16 CFR 1700.20 as in effect on the effective date of this Section.
 2. For the purposes of this Subsection, "nicotine liquid container" shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A "nicotine liquid container" shall not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.
 3. Any person who engages in retail sales of liquid nicotine containers in this State in violation of this Subsection shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
 4. The Department of Health and Senior Services may adopt rules necessary to carry out the provisions of this Subsection. Any rule or portion of a rule, as that term is

defined in Section 536.010, RSMo., that is created under the authority delegated in that Section shall become effective only if it complies with and is subject to all of the provisions of Chapter 536, RSMo., and, if applicable, Section 536.028, RSMo. This Section and Chapter 536, RSMo., are non-severable, and if any of the powers vested with the General Assembly under Chapter 536, RSMo., to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

5. The provisions of this Subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the Federal Food and Drug Administration or from any other Federal agency if such regulations mandate child-resistant effectiveness standards for nicotine liquid containers.

Section 210.2110. Unlawful To Sell or Distribute Tobacco Products, Alternative Nicotine Products or Vapor Products to Minors — Vending Machine Requirements.

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products or vapor products to persons under eighteen (18) years of age.
- B. All vending machines that dispense tobacco products, alternative nicotine products or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product, alternative nicotine product or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (D) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.
- C. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine product or vapor product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsection (A), (B) or (C) of this Section or Section 210.2140 of this Article shall be penalized as follows:
 1. For the first offense, twenty-five dollars (\$25.00);

2. For the second offense, one hundred dollars (\$100.00); and
 3. For a third and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products, alternative nicotine products or vapor products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding sales of tobacco products, alternative nicotine products or vapor products to minors. Such training program must be attended by all employees who sell tobacco products, alternative nicotine products or vapor products to the general public;
 2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors products, alternative nicotine products or vapor products; and
 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.
- F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products or vapor products are available for sale if:
1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one-year period; or
 2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 210.2140, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.
- H. A person cited for selling, providing or distributing any tobacco product, alternative nicotine product or vapor product to any individual less than eighteen (18) years of age in violation of Subsection (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.

- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

Section 210.2120. Minors Prohibited From Purchase or Possession of Tobacco Products, Alternative Nicotine Products or Vapor Products — Misrepresentation of Age.

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes, tobacco products, alternative nicotine products or vapor products unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products or vapor products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.
- B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes, tobacco products, alternative nicotine products or vapor products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
 1. For the first violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated;
 2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 210.2130. Retail Sales Tax License Required for Sale of Tobacco Products, Alternative Nicotine Products or Vapor Products.

No person shall sell cigarettes, tobacco products, alternative nicotine products or vapor products unless the person has a retail sales tax license.

Section 210.2140. Required Sign Stating Violation of State Law To Sell Tobacco Products, Alternative Nicotine Products or Vapor Products to Minors Under Age 18 — Display of Sign Required, Where.

- A. The owner of an establishment at which tobacco products, alternative nicotine products, vapor products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, vapor products are purchased a sign that shall:
 1. Contain in red lettering at least one-half (1/2) inch high on a white background the following:

IT IS A VIOLATION OF STATE LAW FOR CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH

PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS; and

2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18."

Section 210.2150. Restrictions on Sales of Individual Packs of Cigarettes.

- A. No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:
 1. It is sold through a vending machine; or
 2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

Section 210.2160. Proof of Age Required, When Defense to Action for Violation Is Reasonable Reliance on Proof — Liability.

- A. A person or entity selling tobacco products, alternative nicotine products or vapor products or rolling papers or distributing tobacco product, alternative nicotine product or vapor product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco products, alternative nicotine products or vapor products for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products or vapor products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.
- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.2110 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.2110 on any single day.

Section 210.2170. through Section 210.2200. (Reserved)**ARTICLE XIV
Fireworks****Section 210.2210. Definition.**

In this Article "*fireworks*" means any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations, and American Pyrotechnics Association 87-1 standards.

Section 210.2220. Exceptions.

Nothing in this Article shall be construed to prohibit any resident wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited, or the sale of any kind of fireworks provided the same are to be shipped directly out of State, or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. Such wholesalers, dealers and jobbers shall store their supplies of fireworks in accordance with Section 505.060 of this Code.

Section 210.2230. Manufacture Prohibited — Compliance.

The manufacture of fireworks is prohibited within the City. The display, sale or discharge of fireworks shall comply with the requirements of this Article.

Section 210.2240. Seizure of Fireworks.

The City may seize, take, remove or cause to be removed at the expense of the owner at the discretion of the Chief of Police, all stocks of fireworks offered or exposed for display or sale, stored or held in violation of this Article.

Section 210.2250. Permit To Discharge.

- A. A permit shall be obtained from the City for the discharge of fireworks. Each permit shall specify the date, time, location, property owner, and responsible party conducting the display. No permit shall be issued for any display earlier in the day than 6:00 P.M. or later in the day than 10:00 P.M. Permits may also be issued under this Chapter for a display from December thirty-first (31st) beginning at 11:50 P.M. to January first (1st) at 12:10 A.M.
- B. Applications for permits shall be made in writing at least seven (7) working days in advance of the date of the display or discharge of fireworks and shall be accompanied by an application fee of twenty-five dollars (\$25.00). The sale, possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out therein.

- C. Applications for display of fireworks shall be approved by the Chief of Police and issued by the City Clerk. Applicants must first obtain a permit from either the State Fire Marshal or the Osage Beach Fire Protection District and provide a copy of said permit with the application.

Section 210.2260. Sale and Discharge Regulations.

- A. It shall be a violation of this Code for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks, except as provided within the terms of the permit issued under Section 210.2250 and the rules and regulations issued by the City for the granting of permits for supervised public displays of fireworks by the jurisdiction, fair associations, amusement parks and other organizations.
- B. Every such display shall be supervised by a person licensed and bonded for the purpose of discharging fireworks. The fireworks shall be arranged, located, discharged or fired in a manner that, in the opinion of the Chief of Police, will not be a hazard to property or endanger any person.

Section 210.2270. Disposal of Unfired Fireworks.

Unfired fireworks and trash that remain after the display is concluded shall be immediately disposed of in a safe manner approved by the City.

Section 210.2280. Bond For Display.

The permittee under this Article shall provide proof satisfactory to the City Attorney of financial ability to pay all damages which may be caused either to a person or persons or to property by reason of the permitted display arising from the acts of the permittee, the permittee's agent, employees, contractors or subcontractors. Proof of financial responsibility shall be satisfied by furnishing a bond or liability insurance policy covering any of the aforesaid damages in the amount of not less than one million dollars (\$1,000,000.00) and in such a form as determined by the City Attorney to be adequate in each case to indemnify the City.

Section 210.2290. through Section 210.2320. (Reserved)

ARTICLE XV
Miscellaneous Offenses

Section 210.2330. City Park Hours of Operation.

- A. City parks shall be open to the public everyday. Peanick Park shall be open from 6:00A.M. to 10:00 P.M. and the Osage Beach City Park shall be open from dawn to dusk.
- B. A permit may be approved for individuals or groups for use of any City park during the hours listed as closed.

Section 3.

That the repeal of existing Chapter 210 set forth in Subsection (A) above shall not affect the following:

- (A) Any ordinance adopted subsequent to July 7, 2016, which reflects the date of the last legislation reviewed for the most recent Code update (Supp #14, 7/16).
- (B) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to such date.

Section 4. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 5. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 6. State Law Reference Table.

For ease of reference, the following State Law Reference Table outlines the Statutory authority, as revised through the 2014 Legislative Session and effective January 1, 2017, for each Section of Chapter 210, Offenses, hereby adopted.

Code Section	RSMo. Section
210.010	556.061, 565.002(14)
210.020	562.012
210.030	562.014
210.120	565.056
210.130	565.076
210.150	565.091
210.160	565.227
210.170	565.130
210.180	568.050
210.190	577.300
210.300	575.020
210.310	575.030
210.320	575.190

Code Section	RSMo. Section
210.330	575.250
210.340	575.270
210.350	575.100
210.360	575.290
210.370	575.120
210.380	575.080
210.390	575.150
210.400	575.200
210.410	575.160
210.520	577.100
210.530	577.070
210.540	577.076
210.550	577.150
210.560	577.080
210.660	574.005
210.670	574.010
210.680	574.020
210.690	574.040
210.700	574.050
210.710	574.060
210.730	574.035
210.740	574.160
210.830	571.010
210.840	571.030
210.850	571.020
210.860	571.045.1
210.870	571.085
210.880	571.087
210.890	571.060.1(2),(3)
210.900	571.107
210.910	571.037
210.940	578.350
210.950	571.070
210.1020	569.010
210.1030	569.090
210.1040	569.120
210.1050	569.130
210.1060	569.140
210.1070	569.150
210.1080	569.155
210.1090	569.060
210.1100	569.065
210.1110	570.030
210.1120	302.286
210.1140	570.145
210.1150	570.130
210.1160	570.140
210.1170	570.085
210.1180	570.057
210.1190	570.120
210.1200	537.125
210.1210	407.300
210.1220	407.301
210.1230	407.302
210.1240	407.303

Code Section	RSMo. Section
210.1350	567.010
210.1360	567.020
210.1370	567.030
210.1390	567.080
210.1500	566.010
210.1510	566.093
210.1520	566.101
210.1530	566.148
210.1540	566.149
210.1550	589.426
210.1670	573.010
210.1680	573.030.1
210.1690	573.040
210.1800	579.015
210.1810	579.015
210.1820	195.418
210.1830	579.074
210.1840	579.097
210.1850	579.099
210.1860	579.101
210.2100	407.925
210.2105	407.926
210.2110	407.931
210.2120	407.933
210.2130	407.934.1
210.2140	407.927
210.2150	407.928
210.2160	407.929

Section 7.

This Ordinance shall be in full force and effect on January 1, 2017.

READ FIRST TIME: _____ READ SECOND TIME: _____

I hereby certify that Ordinance No.16.89 was duly passed on _____, 2016, the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:	Nays:
Abstentions:	Absent:

This Ordinance is hereby transmitted to the Mayor for his signature.

Date

Cynthia Lambert, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby approve Ordinance No.16.89.

ATTEST:

John Olivarri, Mayor

Cynthia Lambert, City Clerk

Submission Date: December 7, 2016
Submitted By: Public Works Director
Board Meeting Date: December 15, 2006

**City of Osage Beach
 BOARD OF ALDERMEN
 AGENDA ITEM SUMMARY SHEET**

Description of Item:

Authorization to purchase Grinder Pumps Rebuild Parts from Municipal Equipment for \$59,176.05, plus associated freight charges.

Names of Persons, Businesses, Organizations affected by this action:

Staff, citizens and visitors to Osage Beach

Why is Board Action Required?

Board approval required for purchases over \$15,000 per Chapter 135. Article II. Purchasing, Procurement, Transfers, and Sales.

Type of Action Requested (Ordinance, Resolution, Motion):

Request motion to approve purchase Grinder Pump Rebuild Parts from Municipal Equipment Company for \$59,176.05, plus associated freight charges.

Are there any deadlines associated with this action?

No. Staff would like to proceed as soon as possible to replenish inventory.

Budget Line / Source of Funds

35-00-743500 Pump Repairs

FY2017 Budget:	\$140,000
Spend to date:	(<u> </u> \$0)
Available:	\$140,000

Requesting: \$ 59,176.05

Comments and Recommendation of Department:

This purchase is for the purchase of grinder pump rebuilding parts (pump kits). The City has standardized around ABS/Sulzer pumps. Municipal Equipment is the only authorized manufacturer's representative for this area.

Municipal Equipment was asked to provide quotes for these parts. These parts will be purchased throughout the FY2017 year on an as needed basis. Staff would like authorization to purchase the following parts for a total cost of \$59,176.05 from Municipal Equipment Company.

<u>PUMP</u>	<u>QTY</u>	<u>Part Number</u>	<u>Description</u>	<u>Price Each</u>	<u>Total Price</u>
S20/2W	10	65005339	Stator	\$156.71	\$ 1,567.10
	10	61705710	Hydraulic Kit	\$356.64	\$ 3,566.40
	10	61705038	Repair Kit	\$151.80	\$ 1,518.00
S26/2W	5	65005344	Stator	\$419.07	\$ 2,095.35
	5	61705722	Hydraulic Kit	\$374.48	\$ 1,872.40
	5	61705040	Repair Kit	\$182.00	\$ 910.00
M50/2W	10	61000756	Stator	\$1,304.14	\$13,041.40
	10	61705734	Hydraulic Kit	\$498.32	\$ 4,983.20
	10	61705037	Repair kit	\$307.78	\$ 3,077.80
PE45/2W	5	65005999	Stator	\$1,023.84	\$ 5,119.20
	5	61705793	Hydraulic Kit	\$371.07	\$ 1,855.35
	5	61705079	Repair kit	\$232.64	\$ 1,163.20
M80/2	5	61705742	Hydraulic Kit	\$1,172.52	\$ 5,862.60
PE80/2	5	61705782	Hydraulic Kit	\$547.40	\$ 2,737.00
M100/2	5	61705746	Hydraulic Kit	\$1,231.14	\$ 6,155.70
PE100	5	61705783	Hydraulic Kit	\$730.27	<u>\$ 3,651.35</u>
TOTAL					<u>\$59,176.05*</u>

*Plus Associated Freight Charges

City Administrator Comments and Recommendation

This is a FY2017 budgeted item. In order to accommodate order and shipping time, staff is requesting approval for purchase prior to the beginning of FY2017.

Concur with the Public Works Director's recommendation.

Eric Hibdon

From: Derrick Brandt <dbrandt@munequip.com>
Sent: Tuesday, December 6, 2016 6:43 PM
To: Eric Hibdon
Subject: RE: 2017 Grinder Pump Rebuild

Eric,

Following are prices for the grinder pump kits as requested:

PUMP	QTY	Part Number	Description	Price Each
S20/2W				
	10	65005339	Stator	\$156.71
	10	61705710	Hydraulic Kit	\$356.64
	10	61705038	Repair Kit	\$151.80
S26/2W				
	5	65005344	Stator	\$419.07
	5	61705722	Hydraulic Kit	\$374.48
	5	61705040	Repair Kit	\$182.00
M50/2W				
	10	61000756	Stator	\$1,304.14
	10	61705734	Hydraulic Kit	\$498.32
	10	61705037	Repair kit	\$307.78
PE45/2W				
	5	65005999	Stator	\$1,023.84
	5	61705793	Hydraulic Kit	\$371.07
	5	61705079	Repair kit	\$232.64
M80/2	5	61705742	Hydraulic Kit	\$1,172.52
PE80/2	5	61705782	Hydraulic Kit	\$547.40
M100/2	5	61705746	Hydraulic Kit	\$1,231.14
PE100	5	61705783	Hydraulic Kit	\$730.27

Please let me know if you have any questions.

Thanks

Submission Date: December 7, 2016
Submitted By: Public Works Director
Board Meeting Date: December 15, 2016

**City of Osage Beach
 BOARD OF ALDERMEN
 AGENDA ITEM SUMMARY SHEET**

Description of Item:

Authorization to purchase 69 Grinder Pumps from Municipal Equipment Company for \$175,815, plus associated freight charges.

Names of Persons, Businesses, Organizations affected by this action:

Staff, citizens and visitors to Osage Beach

Why is Board Action Required?

Board approval required for purchases over \$15,000 per Chapter 135. Article II. Purchasing, Procurement, Transfers, and Sales.

Type of Action Requested (Ordinance, Resolution, Motion):

Motion to approve purchase of 69 Grinder Pumps from Municipal Equipment Company for \$175,815, plus associated freight charges.

Are there any deadlines associated with this action?

No. Staff would like to proceed as soon as possible to replenish inventory.

Budget Line / Source of Funds

35-00-743300 Repair of System

FY2017 Budget:	\$314,000
Spend to date:	(<u> </u> \$0)
Available:	\$314,000

Requesting:	\$ 175,815
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Comments and Recommendation of Department:

This request is for the purchase of 69 grinder pumps. The City has standardized around ABS/Sulzer pumps. Municipal Equipment is the only authorized manufacturer's representative for this area.

Municipal Equipment was asked to provide quotes for 69 specific pumps. The purchase request is for 35 S20, 5 S26 and 25 PE45 pumps and up to 4 total pumps of PE80 and/or PE100 grinder pumps.

<u>QTY</u>	<u>Model</u>	<u>Description</u>	<u>Price Each</u>	<u>Total Price</u>
35	S20/2W	2 horsepower, 3450 RPM 230 volt, single phase 32' power/control cable	\$1,298.00	\$45,430.00*
5	S26/2W	3.5 horsepower, 3450 RPM 230 volt, single phase 32' power/control cable	\$2,133.00	\$10,665.00*
25	PE45/2W	6 horsepower, 3450 RPM 230 volt, single phase 32' power/control cable	\$3,908.00	\$97,700.00*
2^	PE80/2	10.7 horsepower, 3450 RPM 208, 230, or 460 volt three phase 32' power/control cable	\$5,505.00	\$11,010.00**
2^	PE100/2	13.4 horsepower, 3450 RPM 208, 230, or 460 volt three phase 32' power/control cable	\$5,505.00	<u>\$11,010.00**</u>

*Freight IS included in the above pump prices

**Freight IS NOT included in the above pump prices

^Total purchase of 4 at a combination to be determined at a later date.

TOTAL

\$175,815.00

Staff recommends the purchase be made from Municipal Equipment Company in the amount up to \$175,815, plus associated freight charges.

City Administrator Comments and Recommendation

This is a FY2017 budgeted item. In order to accommodate order and shipping time, staff is requesting approval for purchase prior to the beginning of FY2017.

Concur with the Public Works Director's recommendation.

Eric Hibdon

From: Derrick Brandt <dbrandt@munequip.com>
Sent: Tuesday, December 6, 2016 7:18 PM
To: Eric Hibdon
Subject: RE: 2017 Grinder Pump Purchase

Eric,

Following are prices for the requested grinder pumps. I apologize for pushing this right up against your deadline.

<u>Quantity</u>	<u>Model</u>	<u>Description</u>	<u>Price Each</u>	<u>Total Price</u>
35	S20/2W	2 horsepower, 3450 RPM 230 volt, single phase 32' power/control cable	\$1,298.00	\$45,430.00
5	S26/2W	3.5 horsepower, 3450 RPM 230 volt, single phase 32' power/control cable	\$2,133.00	\$10,665.00
25	PE45/2W	6 horsepower, 3450 RPM 230 volt, single phase 32' power/control cable	\$3,908.00	\$97,700.00

Freight **IS** included in the above pump prices

1	PE80/2	10.7 horsepower, 3450 RPM 208, 230, or 460 volt three phase 32' power/control cable	\$5,505.00	\$5,505.00
1	PE100/2	13.4 horsepower, 3450 RPM 208, 230, or 460 volt three phase 32' power/control cable	\$5,505.00	\$5,505.00

Freight **IS NOT** included in the above pump prices

Please let me know if you need a formal quote on these. I'd be happy to prepare and send it to you.

Thanks Eric!

Derrick Brandt
Municipal Equipment Company
Office (314) 645-2400
Desk (314) 290-2974
Cell (618) 322-0623

Submission Date: November 28, 2016
Submitted By: Public Works Director
Board Meeting Date: December 15, 2016

**City of Osage Beach
 BOARD OF ALDERMEN
 AGENDA ITEM SUMMARY SHEET**

Description of Item:

Authorization to allow staff to work on Creek Cove Lane for the Osage Beach Special Road District.

Names of Persons, Businesses, Organizations affected by this action:

City of Osage Beach staff and citizens,

Why is Board Action Required?

No requirement; Staff is requesting approval.

Type of Action Requested (Ordinance, Resolution, Motion):

Motion to authorize staff to work on Creek Cove Lane for the Osage Beach Special Road District.

Are there any deadlines associated with this action?

None

Budget Line / Source of Funds

Not Applicable.

Comments and Recommendation of Department:

The Osage Beach Special Road District (OBSRD) has asked to use City Staff for Creek Cove Lane improvements. This project will extend the asphalt pavement to help residents and emergency services get in and out of the roadway.

This area does not have City Water and Sewer currently. This project will not affect those potential utilities.

This roadway will not meet City Standards when it is done.

The Public Works Department recommends approval.

City Administrator Comments and Recommendation

Creek Cove Lane is one of the OBSRD projects, matched with 100% revenue funds from OBSRD, planned in the FY2017 budget. Although the City will not directly expend any City funds for the project, we partner with the OBSRD by our staff providing engineering services; a common practice with many previous OBSRD projects in our City.

Concur with the Public Works Director's recommendation.

Submission Date: December 6, 2016
Submitted By: City Administrator
Board Meeting Date: December 15, 2016

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Motion to approve Lake of the Ozarks Tri-County Lodging Association (TCLA) FY2016 Media Partnership payment of \$25,000.

Names of Persons, Businesses, Organizations affected by this action:

City Staff and Citizens

Why is Board Action Required?

Board approval is required for purchases and payments over \$15,000 per Chapter 135. Article II. Purchasing, Procurement, Transfers, and Sales.

Type of Action Requested (Ordinance, Resolution, Motion):

Motion to approve Lake of the Ozarks Tri-County Lodging Association (TCLA) FY2016 Media Partnership payment of \$25,000.

Are there any deadlines associated with this action?

Yes. Payment is due upon receipt of invoice dated November 29, 2016.

Budget Line / Source of Funds

10-21-754250 Community Promotions*

Budgeted For TCLA Ad Program	\$ 25,000
Less: Expenditures to date for TCLA (\$ - 0 -)	
Available	\$ 25,000

Requested	\$ 25,000
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**This line item has multiple items budgeted as outline in FY2016 Operating Budget*

City Administrator Comments and Recommendation:

Lake of the Ozarks Tri-County Lodging Association (TCLA) has submitted an invoice representing the media partnership components from what we call FY2016; our fiscal year is a calendar year. Also submitted were details outlining actual delivered components through November 2016 versus committed components for the invoice submitted.

The FY2016 Operating Budget was approved with the TCLA Media Partnership item of \$25,000. For our match of \$25,000 TCLA committed to \$56,782 but delivered \$70,400.95 total cost of advertising and promotional components for FY2016 period ending November 2016.

I recommend payment to TCLA for invoice dated November 29, 2016, for \$25,000.

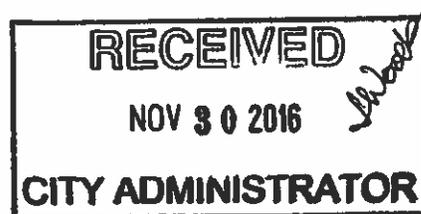
FYI, the FY2017 Operating Budget also includes the TCLA Media Partnership item for \$25,000. For our FY2017 they have committed to a minimum of \$56,000 in delivered advertising and promotional components.



TRI COUNTY LODGING ASSOCIATION
www.funlake.com

**Lake of the Ozarks
Tri-County Lodging Association
P.O. Box 1299
Osage Beach, MO 65065**

INVOICE



Date: November 29, 2016

Bill To: **CITY OF OSAGE BEACH**
Attn: Jeana Woods, City Administrator
1000 City Parkway
Osage Beach, Missouri 65065

Fiscal Year 2017 Media Partnership

TCLA Advertising and Promotional Components Actually Delivered:

1. Cardinal Radio Network.....	\$ 36,000.00
2. St. Louis/KC Digital Billboards.....	\$ 22,928.72
3. Search Engine Marketing (Google/Yahoo/Bing).....	\$ 11,472.23
TOTAL DELIVERED.....	\$ 70,400.95

Total Amount Committed by The City Of Osage Beach.....\$ 25,000.00

Total Amount Due.....\$ 25,000.00

Please make check payable & mail to:

Lake of the Ozarks Tri-County Lodging Association
P.O. Box 1299
Osage Beach, MO 65065

Thank you so very much for the City's continued advertising support!

Calendar Year 2016

8 Second Dwell time totals for City of Osage Beach

	<u>TCLA Committed</u>	<u>Actual Delivered</u>	<u>Cost/8 sec</u>	<u>Total Spend</u>
St. Louis Digital Boards				
1. Manchester Road-Rt Read, East of Wideman				
"OB RELAX & UNWIND" BOARD 1 (5/30-8/21/16)	0	6987	\$ 0.1199	\$ 837.74
"OB SHOP DINE & UNWIND BOARD 2 (5/30-8/21/16)	0	7006	\$ 0.1199	\$ 840.02
2. I-44 Rt Read to Westbound, 1/4 mi W. of Big Bend				
"OB RELAX & UNWIND" BOARD 1 (5/30-8/21/16)	0	37,516	\$ 0.0796	\$ 2,986.27
"OB SHOP DINE & UNWIND" BOARD 2 (5/30-8/21/16)	0	37,475	\$ 0.0796	\$ 2,983.01
KC Digital Boards				
3. I-35 1 mi. N. of Downtown, Rt Read to Southbound				
"OB RELAX & UNWIND" BOARD 1 (5/2-9/25/16)	25000	35,397	\$ 0.0834	\$ 2,952.87
"OB SHOP DINE & UNWIND BOARD 2 (5/2-9/25/16)	25000	35,406	\$ 0.0834	\$ 2,953.63
4. I-35 6 mi. S. of Downtown, Rt Read to Southbound				
"OB RELAX & UNWIND" BOARD 1 (5/2-9/18/16)	25000	47,133	\$ 0.0995	\$ 4,687.84
"OB SHOP DINE & UNWIND BOARD 2 (5/2-9/18/16)	25000	47,128	\$ 0.0995	\$ 4,687.34
TOTALS	100000	254048		\$ 22,928.72

TOTAL PLAYS TOTAL COST COST/PLAY

St. Louis				
Outfront - Whitney Drake - Manchester Rd.	82,555	\$ 9,900.00	\$ 0.1199	
Watchfire - Erin - I-44 Just past Big Bend	120573	\$ 9,600.00	\$ 0.0796	
KC				
Outfront - 1 mi N. Downtwn, I-35 Meliss Johnson	188800	\$ 15,750.00	\$ 0.0834	
Lamar-6 mi S. Downtwn, I-35 Dave Halpin	251358	\$ 25,000.00	\$ 0.0995	
Digital Billboards TOTAL	\$ 22,928.72			
SEM Osage Beach Total	\$ 11,472.23			
Cardinal Baseball Network(80 Total SPOTS X \$450)	\$ 36,000.00			
TOTAL OSAGE BEACH ADVERTISING RECEIVED	\$ 70,400.95			

Submission Date: December 8, 2016
Submitted By: City Administrator
Board Meeting Date: December 15, 2016

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Motion to authorize upgraded internet connections with managed router service from AT&T for the Osage Beach City Park.

Names of Persons, Businesses, Organizations affected by this action:

City Staff and Citizens

Why is Board Action Required?

Board approval is required for purchases and payments over \$15,000 per Chapter 135. Article II. Purchasing, Procurement, Transfers, and Sales.

Type of Action Requested (Ordinance, Resolution, Motion):

Motion to authorize upgraded internet connections with managed router service from AT&T for the Osage Beach City Park.

Are there any deadlines associated with this action?

No.

Budget Line / Source of Funds

10-19-753010 Internet Connections

FY2017 Budgeted	\$ 70,500
Less: Expenditures to date	(\$ 0)
Available	\$ 70,500

Requested* \$ 8,614

**This install will be completed in FY2017.*

City Administrator Comments and Recommendation:

This is the third and final request to come before the Board for upgraded internet connection with managed router service from AT&T. The Multi-Service Agreement and the Managed Pricing Schedule was approved by the Board on September 15, 2016, at which time services for City Hall and Grand Glaize locations were approved. Services for the Osage Beach City Park are covered under the same agreement. Board approval is needed to proceed with this location at a monthly fee of \$717.80.

The overall goal was to connect all City facilities with the upgraded AT&T service. The previous requests provided for services at City Hall, Lee C Fine Airport, and Grand Glaize Airport. The Osage Beach Park location completes the connections to all facilities. The Public Works facility is connected via existing fiber to City Hall and is included in this first agreement.

Prior to this we utilized a combination of Charter, Verizon, and some AT&T internet connections for a variety of services at City Hall, Public Works, and the Grand Glaize Airport (this includes air cards for police and ambulance). Upgrading to AT&T infrastructure with managed router service for all facilities (City Hall, Public Works, both Airports, and the OB City Park) will not only add connections at two additional locations but replace our current AT&T service at City Hall and some of our Charter service to give us the appropriate service, connection, and stability that will best fit our needs as well as set the infrastructure for a new phone system that will be needed and is planned for in the near future.

We estimated a total AT&T monthly cost for all facilities once completed to be approximately \$4,000/month, \$47,900 estimated annually. This replaces current AT&T service and downgrades some of the Charter service we currently use at City Hall and Public Works. Once all facilities are complete with the AT&T upgrade we estimated a total annual cost for all internet connections City wide of \$70,500, as budgeted in FY2017.

Funding for these services will be prorated through Administrative reimbursement at year end to assure the enterprise funds pay their portion of the expenditure

Jim, IS Operations Manager, and I recommend approval.



MULTI-SERVICE AGREEMENT

Customer	AT&T
CITY OF OSAGE BEACH Street Address: 1000 CITY PKWY City: OSAGE BEACH State/Province : MO Zip Code: 65065 Country: United States	AT&T Corp.
Customer Contact (for notices)	AT&T Contact (for notices)
Name: John Olivarri Title: Contracts Officer Street Address: 1000 City Parkway City: Osage Beach State/Province: MO Zip Code: 65065 Country: United States Telephone: 5733022000 Fax: Email: jwoods@osagebeach.org	Street Address: 600 E ST LOUIS ST City: SPRINGFIELD State/Province: MO Zip Code: 65806 Country: United States With a copy to: AT&T Corp. One AT&T Way Bedminster, NJ 07921-0752 ATTN: Master Agreement Support Team Email: mast@att.com
This Multi-Service Agreement between the customer named above ("Customer") and AT&T Corp. ("AT&T") is effective when signed by both parties.	
Customer (by its authorized representative)	AT&T (by its authorized representative)
By:	By:
Name:	Name:
Title:	Title:
Date:	Date:

Agreement: The terms and conditions for the products and services that AT&T provides to Customer under this Agreement ("Services") are found in this document and the following additional documents (collectively, the "Agreement"): (i) Tariffs, Guidebooks and Service Guides found at att.com/service publications; (ii) pricing schedules or other documents attached to or later executed by the parties and referencing this document ("Pricing Schedule"); and (iii) the Acceptable Use Policy ("AUP") found at att.com/aup. AT&T may revise Tariffs, Guidebooks, Service Guides or the AUP (collectively "Service Publications") at any time and may direct Customer to websites other than listed above. The order of priority of the documents that form this Agreement is: the applicable Pricing Schedule or Order, this Multi-Service Agreement, and the applicable Service Publications; provided that, Tariffs will be first in priority in any jurisdiction where applicable law or regulation does not permit contract terms to take precedence over inconsistent Tariff terms. This Agreement continues so long as Services are provided under this Agreement.

Affiliate Signature: An AT&T or Customer Affiliate may sign a Pricing Schedule in its own name, and such Affiliate contract will be a separate but associated contract incorporating the terms of this Agreement. Customer and AT&T will cause respective Affiliates to comply with any such separate and associated contract.

Services: AT&T will either provide or arrange to have its Affiliate provide Services to Customer and its Users (anyone who uses or accesses any Service provided to Customer), subject to the availability and operational limitations of systems, facilities and equipment. Where required, an AT&T Affiliate authorized by the appropriate regulatory authority will be the service provider. Customer may not resell the Services or rebrand the Services for resale to third parties without AT&T's prior written consent. Customer will cause Users to comply with this Agreement and is responsible for their use of any Service unless expressly provided to the contrary in a Service Publication. If a Service is provided over or accesses the Internet or is a wireless (i.e., cellular) data or messaging Service, Customer, its Affiliates and Users will comply with the AUP.

MULTI-SERVICE AGREEMENT

Ordering: If an applicable Service Publication expressly permits placement of an order for a Service under this Multi-Service Agreement without the execution of a Pricing Schedule, Customer may place such an order using AT&T's standard ordering processes (an "Order"), and upon acceptance by AT&T, the Order shall otherwise be deemed a Pricing Schedule under this Multi-Service Agreement for the Service Ordered.

Access to Premises: Customer will in a timely manner allow AT&T to access or at Customer's expense obtain timely access to property (other than public property) and to equipment as AT&T reasonably requires for the Services. Access includes information, the right to construct, install, repair, maintain, replace and remove access lines and network facilities and the right to use ancillary equipment space within the building for Customer's connection to AT&T's network. Customer will furnish any conduit, holes, wireways, wiring, plans, equipment, space, power/utilities and other items AT&T reasonably requires for the Services and will obtain any necessary licenses, permits and consents (including easements and rights-of-way).

Hazardous Materials: Customer will ensure that the location where AT&T installs, maintains or provides Services is a suitable and safe working environment, free of any substance or material that poses an unreasonable risk to health, safety or property or whose use, transport, storage, handling, disposal or release is regulated by any law related to pollution, to protection of air, water or soil or to health and safety. If AT&T encounters any such hazardous materials at a Customer location, AT&T may terminate any affected Service or any affected component of a Service ("Service Component") or suspend performance until Customer removes the hazardous materials.

Independent Contractor Relationship: Each party is an independent contractor. Neither party controls the other, and neither party nor its Affiliates, employees, agents or contractors are Affiliates, employees, agents or contractors of the other party.

License and Other Terms: Software, Purchased Equipment and Third-Party Services may be provided subject to the terms of a separate license or other agreement between Customer and either the licensor, the third-party service provider or the manufacturer. Customer's execution of the Pricing Schedule for or placement of an Order for Software, Purchased Equipment or Third-Party Services is Customer's agreement to comply with such separate agreement.

Unless a Service Publication specifies otherwise, AT&T's sole responsibility with respect to Third-Party Services is to place Customer's orders for Third-Party Services, except that AT&T may invoice and collect payment from Customer for the Third-Party Services.

Equipment: Services may be provided using certain equipment owned by AT&T that is located at the Site ("AT&T Equipment"), but title to the AT&T Equipment will remain with AT&T. Customer must provide electric power for the AT&T Equipment and keep the AT&T Equipment physically secure and free from liens and encumbrances. Customer will bear the risk of loss or damage (other than ordinary wear and tear) to the AT&T Equipment. The Site is the physical location where AT&T installs or provides a Service.

Except as specified in a Service Publication, title to and risk of loss of Purchased Equipment shall pass to Customer on delivery to the transport carrier for shipment to Customer's designated location.

AT&T retains a lien and purchase money security interest in each item of Purchased Equipment and Vendor Software until Customer pays all sums due. AT&T is authorized to sign and file a financing statement to perfect such security interest.

Prices, Pricing Schedule Term and Taxes: The prices listed in a Pricing Schedule are stabilized until the end of the Pricing Schedule Term and will

apply in lieu of the corresponding prices set forth in the applicable Service Publication. No promotion, credit, discount or waiver set forth in a Service Publication will apply. Unless the Pricing Schedule states otherwise, at the end of the Pricing Schedule Term, Customer may continue Service (subject to any applicable notice or other requirements in a Service Publication for Customer to discontinue a Service Component) under a month-to-month service arrangement at the prices, terms and conditions in effect on the last day of the Pricing Schedule Term. AT&T may change such prices, terms or conditions on 30 days' prior notice to Customer.

Prices in the Pricing Schedules are exclusive of and Customer will pay all taxes, regulatory surcharges, recovery fees, customs clearances, duties, levies, shipping charges and other similar charges relating to the sale, transfer of ownership, installation, license, use or provision of the Services.

If required by law to withhold or deduct applicable taxes from payments due to AT&T, Customer must use reasonable commercial efforts to minimize any such taxes and must furnish to AT&T such evidence as may be required by relevant taxing authorities to establish that such tax has been paid so that AT&T may claim any applicable credit.

Billing, Payments, Deposits and MARC: Unless a Service Publication specifies otherwise, Customer's obligation to pay for a Service Component begins upon availability of the Service Component to Customer ("Cutover"). Payment is due 30 days after the invoice date (unless another date is specified in an applicable Tariff or Guidebook) and must refer to the invoice number.

At Customer's request, but subject to AT&T's consent (which may not be unreasonably withheld or withdrawn), Customer's Affiliates may be invoiced separately, and AT&T will accept payment from such Affiliates. Customer will be responsible for payment if Customer's Affiliates do not pay charges in accordance with this Agreement.

Restrictive endorsements or other statements on checks are void. If Customer does not dispute a charge in writing within 6 months after the date of the invoice in which the disputed charge initially appears, Customer waives the right to dispute the charge. AT&T may recover all costs (including attorney fees) of collecting delinquent or dishonored payments and may charge late payment fees (i) for Tariff or Guidebook Services, at the rate specified therein; or (ii) for all other Services at the lower of 1.5% per month (18% per annum) or the maximum rate allowed by law. AT&T may require a deposit as a condition of providing Services, and AT&T may apply such deposit to any charges owed.

If a Pricing Schedule includes a MARC and Customer's MARC-Eligible recurring and usage charges after deducting discounts and credits and excluding taxes, regulatory charges and charges for Purchased Equipment in any applicable 12-month period are less than the MARC, Customer will pay the shortfall, and AT&T may withhold contractual credits until Customer pays the shortfall charge.

Termination and Suspension: Either party may terminate this Agreement immediately upon notice if the other party becomes insolvent, ceases operations, is the subject of a bankruptcy petition or makes an assignment for the benefit of its creditors.

AT&T may terminate or suspend an affected Service or Service Component and, if the activity materially and adversely affects the entire Agreement, terminate or suspend the entire Agreement, immediately upon notice if Customer: (i) commits a fraud upon AT&T; (ii) uses the Service to commit a fraud upon another party; (iii) unlawfully uses the Service; (iv) abuses or misuses AT&T's network or Service; or (v) interferes with another customer's use of AT&T's network or services.

Customer may terminate an affected Service Component for material breach by AT&T if such breach is not cured within 30 days of notice.

MULTI-SERVICE AGREEMENT

AT&T may terminate or suspend (and later terminate) an affected Service Component for material breach by Customer if such breach is not cured within 30 days of notice.

If Customer fails to rectify a violation of the AUP within 5 days after notice from AT&T, AT&T may suspend or terminate the affected Service Component. AT&T may suspend or terminate immediately if: (i) the suspension or termination is a response to multiple or repeated AUP violations or complaints; (ii) AT&T is acting in response to a court order or governmental notice that certain conduct must be stopped; or (iii) AT&T reasonably determines that: (a) AT&T may be exposed to sanctions, liability, prosecution or other adverse consequences under applicable law if AT&T allows the violation to continue; (b) the violation may harm or interfere with the integrity, normal operations or security of AT&T's network or of networks with which AT&T interconnects or may interfere with another customer's use of AT&T services or the Internet; or (c) the violation presents imminent risk of harm to AT&T, AT&T's customers or its or their respective employees.

Termination Charges: If prior to Cutover, Customer terminates a Service Component other than for cause or AT&T terminates a Service Component for cause, Customer (i) will pay any pre-Cutover termination or cancellation charges set out in a Pricing Schedule or Service Publication, or (ii) in the absence of such specified charges, will reimburse AT&T for time and materials, including any third-party charges, incurred prior to the effective date of termination.

Thereafter, if Customer terminates a Service or Service Component for Customer's convenience or AT&T terminates a Service or Service Component for cause, Customer must pay: (i) 50% (unless a different amount is specified in the Pricing Schedule) of any unpaid recurring charges for the terminated Service Component attributable to the unexpired portion of an applicable Minimum Payment Period specified in the Pricing Schedule or Service Publication, (ii) if termination occurs before the end of an applicable Minimum Retention Period, any associated credits or waived or unpaid non-recurring charges, and (iii) any access facilities cancellation charges and other third-party charges incurred by AT&T due to the termination.

If Customer terminates a Pricing Schedule that has a MARC, Customer must pay an amount equal to 50% of the unsatisfied MARC for the balance of the Pricing Schedule Term.

In addition, Customer may terminate an affected Service Component without incurring termination charges if (a) AT&T revises a Service Publication and the revision has a materially adverse impact upon Customer; (b) Customer gives 30 days' notice of termination to AT&T within 90 days of the date of the revision; and (c) AT&T does not remedy the materially adverse impact prior to the effective date of termination. "Materially adverse impacts" do not include changes to non-stabilized pricing, changes required by governmental authority or assessment of, or assessment of or changes to additional charges such as surcharges or taxes.

Disclaimer of Warranties and Liability: AT&T MAKES NO EXPRESS OR IMPLIED WARRANTY, DISCLAIMS ANY WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE OR NON-INFRINGEMENT AND DISCLAIMS ANY WARRANTIES ARISING BY USAGE OF TRADE OR BY COURSE OF DEALING. FURTHER, AT&T MAKES NO WARRANTY THAT TELEPHONE CALLS OR OTHER TRANSMISSIONS WILL BE ROUTED OR COMPLETED WITHOUT ERROR OR INTERRUPTION (INCLUDING 911 CALLS) AND MAKES NO WARRANTY REGARDING NETWORK SECURITY, THE ENCRYPTION EMPLOYED BY ANY SERVICE, THE INTEGRITY OF ANY DATA THAT IS SENT, BACKED UP, STORED OR LOAD BALANCED,

THAT AT&T'S SECURITY PROCEDURES WILL PREVENT THE LOSS OR ALTERATION OF OR IMPROPER ACCESS TO CUSTOMER'S DATA AND INFORMATION OR THAT SERVICES WILL BE UNINTERRUPTED OR ERROR-FREE. AT&T WILL NOT BE LIABLE FOR ANY DAMAGES RELATING TO: INTEROPERABILITY, ACCESS OR INTERCONNECTION OF THE SERVICES WITH APPLICATIONS, DATA, EQUIPMENT, SERVICES, CONTENT OR NETWORKS PROVIDED BY CUSTOMER OR OTHERS; SERVICE DEFECTS, SERVICE LEVELS, DELAYS, SERVICE ERRORS OR INTERRUPTIONS, INCLUDING INTERRUPTIONS OR ERRORS IN ROUTING OR COMPLETING ANY 911 CALLS OR ANY OTHER CALLS OR TRANSMISSIONS (EXCEPT FOR LIABILITY EXPLICITLY SET FORTH HEREIN); LOST OR ALTERED TRANSMISSIONS; OR UNAUTHORIZED ACCESS TO OR THEFT, ALTERATION, LOSS OR DESTRUCTION OF CUSTOMER'S OR OTHERS' APPLICATIONS, CONTENT, DATA, PROGRAMS, INFORMATION, NETWORKS OR SYSTEMS.

Limitation of Liability: AT&T'S ENTIRE LIABILITY AND CUSTOMER'S EXCLUSIVE REMEDY FOR DAMAGES ARISING OUT OF AT&T'S BREACH OF THIS AGREEMENT AND NOT DISCLAIMED UNDER THIS AGREEMENT SHALL NOT EXCEED THE APPLICABLE CREDITS SPECIFIED IN THE SERVICE PUBLICATION OR, IF NO CREDITS ARE SPECIFIED, AN AMOUNT EQUAL TO THE TOTAL NET CHARGES TO CUSTOMER FOR SERVICE TO WHICH SUCH BREACH RELATES DURING THE PERIOD IN WHICH SUCH BREACH OCCURS AND CONTINUES. IN NO EVENT SHALL ANY OTHER LIABILITY ATTACH TO AT&T. THIS LIMITATION WILL NOT APPLY TO BODILY INJURY, DEATH OR DAMAGE TO REAL OR TANGIBLE PROPERTY DIRECTLY CAUSED BY AT&T'S NEGLIGENCE OR INTENTIONAL MISCONDUCT.

ALL SOFTWARE AND PURCHASED EQUIPMENT IS PROVIDED TO CUSTOMER ON AN "AS IS" BASIS.

NEITHER PARTY WILL BE LIABLE TO THE OTHER PARTY UNDER ANY CIRCUMSTANCES FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, PUNITIVE OR SPECIAL DAMAGES.

These disclaimers and limitations of liability will apply regardless of the form of action, whether in contract, tort, strict liability or otherwise, of whether damages were foreseeable and of whether a party was advised of the possibility of such damages. These disclaimers and limitations of liability will survive failure of any exclusive remedies provided in this Agreement.

Indemnity: Customer agrees at its expense to defend, indemnify and hold harmless AT&T, its Affiliates and its and their employees, directors, subcontractors and suppliers or to pay all damages finally awarded against such parties on account of a third-party claim where: (i) the claim arises from Customer's or a User's use of a Service; or (ii) the claim alleges a breach by Customer, its Affiliates or Users of a Software license agreement.

Import/Export Control: Customer and not AT&T is responsible for complying with import and export control laws, conventions and regulations applicable to any equipment, software or technical information that Customer moves or transmits between countries.

ARBITRATION: ALL CLAIMS AND DISPUTES ARISING FROM THIS AGREEMENT SHALL BE SETTLED BY BINDING ARBITRATION ADMINISTERED BY THE AMERICAN ARBITRATION ASSOCIATION UNDER ITS COMMERCIAL ARBITRATION RULES (SUBJECT TO THE REQUIREMENTS OF THE FEDERAL ARBITRATION ACT). ANY JUDGMENT ON ANY AWARD RENDERED MAY BE ENTERED AND ENFORCED IN A COURT HAVING JURISDICTION. THE ARBITRATOR SHALL NOT HAVE THE AUTHORITY TO AWARD ANY DAMAGES

MULTI-SERVICE AGREEMENT

DISCLAIMED BY THIS AGREEMENT OR IN EXCESS OF THE LIABILITY LIMITATIONS IN THIS AGREEMENT, SHALL NOT HAVE THE AUTHORITY TO ORDER PRE-HEARING DEPOSITIONS OR DOCUMENT DISCOVERY, BUT MAY COMPEL ATTENDANCE OF WITNESSES AND PRODUCTION OF DOCUMENTS AT THE HEARING. THE PARTIES WAIVE ANY RIGHT TO TRIAL BY JURY AND WAIVE ANY RIGHT TO PARTICIPATE IN OR INITIATE CLASS ACTIONS; IF THE PARTIES CANNOT WAIVE THESE RIGHTS, THIS ENTIRE PARAGRAPH IS VOID.

General Provisions: This Agreement and any pricing or other proposals are confidential to Customer and AT&T. Neither party may publicly disclose any confidential information of the other party without the prior written consent of the other, unless authorized by applicable law, regulation or court order. Until directed otherwise by Customer in writing, if AT&T designates a dedicated account representative as Customer's primary contact with AT&T, Customer authorizes that representative to discuss and disclose Customer's customer proprietary network information to any employee or agent of Customer without a need for further authentication or authorization. Each party will comply with all applicable laws and regulations and with all applicable orders issued by courts or other governmental bodies of competent jurisdiction.

Each party is responsible for complying with the privacy laws applicable to its business. AT&T shall require its personnel, agents and contractors around the world who process Customer Personal Data to protect Customer Personal Data in accordance with the data protection laws and regulations applicable to AT&T's business. If Customer does not want AT&T to comprehend Customer data to which it may have access in performing Services, Customer must encrypt such data so that it will be unintelligible. Customer is responsible for obtaining consent from and giving notice to its Users, employees and agents regarding Customer's and AT&T's collection and use of the User, employee or agent information in connection with a Service. Customer will only make accessible or provide Customer Personal Data to AT&T when it has the legal authority to do so. AT&T may monitor electronic transmissions across its network to maintain compliance with its legal and regulatory obligations and to operate, maintain and enhance the network and Services. Where required by law, AT&T may provide Customer Personal Data to third parties such as courts, law enforcement or regulatory authorities.

This Agreement may not be assigned by either party without the prior written consent of the other party, which consent will not be unreasonably withheld or delayed, except that AT&T may: (i) assign in whole or relevant part its rights and obligations under this Agreement to an AT&T Affiliate, or (ii) subcontract work to be performed under this Agreement, but AT&T will in each such case remain financially responsible for the performance of such obligations.

Any claim or dispute arising out of this Agreement must be filed within two (2) years after the cause of action arises.

This Agreement does not provide any third party (including Users) the right to enforce it or to any remedy, claim, liability, cause of action or other right or privilege.

Unless a regulatory agency with jurisdiction over the applicable Service applies a different law, this Agreement will be governed by the law of the State of New York, without regard to its conflict of law principles. The United Nations Convention on Contracts for International Sale of Goods will not apply.

Except for payment of amounts due, neither party will be liable for any delay, failure in performance, loss or damage due to causes beyond such party's reasonable control, including strikes and labor disputes.

Customer must send any notice required or permitted under this Agreement in writing to the AT&T address set forth above.

This Agreement constitutes the entire agreement between the parties concerning its subject matter. Except as provided in License and Other Terms, above, this Agreement supersedes all previous agreements, whether written or oral.

This Agreement may not be modified or supplemented without a writing signed by authorized representatives of both parties.

Definitions:

"Affiliate" of a party means any entity that controls, is controlled by or is under common control with such party.

"API" means an application program interface used to make a resources request from a remote implementer program. An API may include coding, specifications for routines, data structures, object classes, and protocols used to communicate between programs.

"AT&T Software" means software, including APIs, and all associated written and electronic documentation and data owned by AT&T and licensed by AT&T to Customer. AT&T Software does not include software that is not furnished to Customer.

"Customer Personal Data" means information that identifies an individual, that Customer directly or indirectly makes accessible to AT&T and that AT&T collects, holds or uses in the course of providing the Services.

"Purchased Equipment" means equipment or other tangible products Customer purchases under this Agreement, including any replacements of Purchased Equipment provided to Customer. Purchased Equipment also includes any internal code required to operate such Equipment. Purchased Equipment does not include Software but does include any physical media provided to Customer on which Software is stored.

"Software" means AT&T Software and Vendor Software.

"Third-Party Service" means a service provided directly to Customer by a third party under a separate agreement between Customer and the third party.

"Vendor Software" means software, including APIs, and all associated written and electronic documentation and data AT&T furnishes to Customer, other than AT&T Software.



**AT&T MANAGED INTERNET SERVICE
PRICING SCHEDULE**

Customer	AT&T
CITY OF OSAGE BEACH Street Address: 1000 CITY PKWY City: OSAGE BEACH State/Province : MO Zip Code: 65065 Country: United States	AT&T Corp.
Customer Contact (for Notices)	AT&T Sales Contact Information and for Contract Notices <input type="checkbox"/> Primary AT&T Contact
Name: John Olivari Title: Contracts Officer Street Address: 1000 City Parkway City: Osage Beach State/Province: MO Zip Code: 65065 Country: United States Telephone: 5733022000 Fax: Email: jwoods@osagebeach.org Customer Account Number or Master Account Number: 1-36CZQU	Name: ROBERT WIRTMILLER Street Address: 600 E ST LOUIS ST City: SPRINGFIELD State/Province: MO Zip Code: 65806 Country: United States Telephone: 4178758152 Fax: 4178362241 Email: RW7189@US.ATT.COM Sales/Branch Manager: Kevin Luna SCVP Name: PHIL CALLAHAN Sales Strata: Retail Sales Region: US-SOUTHWEST <u>With a copy to:</u> AT&T Corp. One AT&T Way Bedminster, NJ 07921-0752 ATTN: Master Agreement Support Team Email: mast@att.com
AT&T Solution Provider or Representative Information (if applicable) <input type="checkbox"/>	
Name1: Company Name: Agent Street Address: City: State: Zip Code: Country: Telephone: Fax: Email: Agent Code	

This Pricing Schedule is part of the Agreement between AT&T and Customer referenced above.

Customer (by its authorized representative)	AT&T (by its authorized representative)
By:	By:
Name:	Name:
Title:	Title:
Date:	Date:

AT&T and Customer Confidential Information

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**AT&T MANAGED INTERNET SERVICE
PRICING SCHEDULE**

1. SERVICES

Service	Service Publication Location
AT&T Managed Internet Service (MIS)	http://serviceguidenew.att.com/sg_flashPlayerPage/MIS (see MIS Express)
AT&T Bandwidth Services	http://serviceguidenew.att.com/sg_flashPlayerPage/BWS

2. PRICING SCHEDULE TERM AND EFFECTIVE DATES

Pricing Schedule Term	36 months
Pricing Schedule Term Start Date	Effective Date of this Pricing Schedule
Effective Date of Rates and Discounts	Effective Date of this Pricing Schedule

3. MINIMUM PAYMENT PERIOD

Service Components	Percent of Monthly Service Fees Due Upon Termination Prior to Completion of Minimum Payment Period	Minimum Payment Period per Service Component
All Service Components	50%	Longer of 12 months or until the end of the Pricing Schedule Term

4. GRANDFATHERING AND WITHDRAWAL

Availability of Service Components is subject to grandfathering and withdrawal per the Service Guide.

5. RATES**Section I: AT&T Managed Internet Service****Table 1: MIS Self – Installation**

Discount: 100.0 %

MIS Speed	Undiscounted MIS	Undiscounted MIS w/ Managed Router	Undiscounted MIS w/ Virtual Router
Ethernet	\$1,500	\$1,500**	\$0.00

**Pricing available for MIS speeds of 100 Mbps and below and with electrical interfaces only.

Table 2: On-Site Installation

Discount: 50.0 %

MIS Speed	Undiscounted MIS w/ Managed Router Only
Ethernet	\$1,500

AT&T and Customer Confidential Information

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**AT&T MANAGED INTERNET SERVICE
PRICING SCHEDULE**

Table 3: Flat Rate and Flexible Bandwidth Billing Option – Ethernet

Available bandwidth levels are subject to qualification at time of each order and may vary for MIS ports/access ordered with or without the MIS on Demand option.

Bandwidth	Discounted Ethernet Access Monthly Fee	Minimum Bandwidth Commitment		Undiscounted Incremental Usage Fee Per Mbps
		Undiscounted MIS with Customer Router Monthly Fee	Undiscounted MIS with AT&T Managed Router Monthly Fee	
2 Mbps	\$500.00	\$260.00	\$388.00	\$355.00
4 Mbps	\$500.00	\$262.00	\$390.00	\$325.00
5 Mbps	\$500.00	\$263.00	\$391.00	\$270.00
8 Mbps	\$500.00	\$266.00	\$394.00	\$235.00
10 Mbps	\$500.00	\$268.00	\$396.00	\$198.00
20 Mbps	\$555.00	\$449.00	\$577.00	\$144.25
50 Mbps	\$628.00	\$813.00	\$955.00	\$95.50
100 Mbps	\$810.00	\$1,400.00	\$1,555.00	\$77.75
150 Mbps	\$810.00	\$1,800.00	\$1,965.00	\$65.50
250 Mbps	\$1,100.00	\$2,150.00	\$2,240.00	\$44.80
400 Mbps	\$1,300.00	\$2,700.00	\$3,380.00	\$42.25
500 Mbps	\$1,300.00	\$3,500.00	\$4,325.00	\$43.25
600 Mbps	\$1,300.00	\$4,096.00	\$4,840.00	\$40.33
1000 Mbps	\$1,800.00	\$4,505.00	\$5,620.00	\$28.10
Discount:		45.0 %	45.0 %	100.0 %

Table 3a: Flat Rate Billing Option – Ethernet (10 Mbps only)

Available only for 10 Mbps bandwidth level, subject to qualification. Not available for MIS ports/access with the MIS on Demand option, or MIS ports/access with Customer managed router, or MIS ordered with AT&T BVoIP Service.

Bandwidth	Discounted Ethernet Access Monthly Fee	Minimum Bandwidth Commitment Undiscounted MIS with AT&T Managed Router Monthly Fee	Undiscounted Incremental Usage Fee Per Mbps
10 Mbps	\$374.52	\$396.00	Not Applicable
Discount:		62%	

Section II: Additional Service Fees

Moving Fee (during hours)	\$1,000 per location
Additional Moving Fee (outside standard operating hours – 8:00 a.m. to 5:00 p.m. Monday through Friday)	Additional \$500 per location

Section III: AT&T Business in a Box®

AT&T Business in a Box® is not available for MIS ports/access ordered with the MIS on Demand option.

Discount: 100.0 %

AT&T and Customer Confidential Information

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**AT&T MANAGED INTERNET SERVICE
 PRICING SCHEDULE**

Option	Undiscounted Monthly Service Charge*
Base Unit NextGen†	\$75.00
Base Unit 12 Port	\$75.00
8 Port Analog Module Add-On	\$40.00

* Pricing also applies to Service locations in Alaska

† Feature expected to be available starting 4Q 2016. Refer to Service Guide for availability.

Class Of Service Option - when ordered with AT&T BVoIP Services only

Discount: 100%

Class of Service Undiscounted Monthly Service Fee	\$225*
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* Pricing also applies to Service locations in Alaska

Section IV: AT&T Cloud Based Web Security

AT&T Cloud Web Security Service per port (10 users) Rate (Net Rate)	\$30.00
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Section V: AT&T Wi-Fi Enterprise:

AT&T Wi-Fi Enterprise per AP per month Rate (Net Rate)*	\$30.00
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*Include 1-2 Aps, AT&T owned self standing, self-install

This is the last page of the Pricing Document.

AT&T and Customer Confidential Information

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Submission Date: December 14, 2016

Submitted By: City Administrator

Board Meeting Date: December 15, 2016

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Request to reschedule the Thursday, January 5, 2017, 6 PM Board of Aldermen Meeting to Tuesday, January 3, 2017, 6 PM.

Names of Persons, Businesses, Organizations affected by this action:

City, elected officials, citizens of Osage Beach

Why is Board Action Required?

Section 110.110 allows the Board of Aldermen to reschedule meetings.

Type of Action Requested (Ordinance, Resolution, Motion):

Request to reschedule the Thursday, January 5, 2017, 6 PM Board of Aldermen Meeting to Tuesday, January 3, 2017, 6 PM.

Are there any deadlines associated with this action?

Yes. The meeting being requested to change is the next regularly scheduled meeting.

Budget Line / Source of Funds

Not applicable.

City Administrator Comments and Recommendation:

January 5, 2017 is the date for the next regularly scheduled Board of Aldermen meeting and the event date for the Legislative Reception hosted by the area chambers to be held at Tan Tar A. See attached invitation.

Historically the annual Legislative Reception has been attended by City officials and in order for City officials to attend this year would require us to move our first regularly scheduled.

If attendance to the Legislation Reception is favored staff is requesting to move the January 5, 2017, 6 PM Board of Aldermen meeting to Tuesday, January 3, 2017, 6 PM.

Another component to this change will also be the need to reschedule and re-publish a public notice for a public hearing required by the State scheduled for January 5, 2017. This can be done with ease. With the required four week public notice, the Prewitt's Point TIF Public Hearing is scheduled for January 5, 2017, 6 PM.

If the change in meeting is approved as started above, the public notice will be re-published immediately following the approval for the required four weeks indicating a new public hearing date of January 19, 2017. The Prewitt's Point Public Hearing is required every five years per RSMo 99.865.3 and moving the public hearing to January 19, 2017 still satisfies that requirement.

Lake Area Legislative Reception

Thursday, January 5th, 2017

6:00PM - 8:00PM

Tan– Tar– A Resort - Parasol Room I

(Take the escalators– above the Main Lobby)

You are invited to attend the annual Lake Area Legislative Reception . This year we are especially honored to have **Lieutenant Governor-Elect Mike Parsons** as our special guest. This event will also give you the opportunity to meet with Lake Area elected officials and exchange information about the Lake of the Ozarks region and the upcoming Legislative Session.

The Lake Area Legislative Reception is cooperatively sponsored by:

Camdenton Area Chamber of Commerce
Eldon Chamber of Commerce
Lake Area Chamber of Commerce
Lake of the Ozarks Convention and Visitors Bureau
Lake West Chamber of Commerce
Versailles Chamber of Commerce
Tri-County Lodging Association

Please RSVP by Monday, January 2nd