

BILL NO. 17-001

ORDINANCE NO. 10-008

This supersedes Ordinance No. 99-015

50.010 Definitions:

1. The term, "Intoxicating liquor", as used in this Chapter, shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malts or other liquors of a combination of liquors, a part of which is spirituous, vinous or fermented and all preparations or mixtures for beverage purposes, containing in excess of three and two-tenths percent (3 2/10%) by weight.
2. The phrase, "Non-intoxicating beer", as used in this Chapter, shall be construed to refer to and/or mean any beer manufactured from pure hops or pure extract of hops and pure barley or other wholesome grains or cereals, and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of no more than one-half (1/2) of one percent (1%) by volume and not exceeding three and two-tenths percent (3 2/10%) by weight.
3. The phrase, "Controlled substance", shall mean any drug or drug mixture that is designated in Federal, State or Local Statutes as illegal to possess, consume or dispense without prescription from a qualified medical practitioner.
4. The term, "Person", as used in this Chapter, shall mean and include any individual, association, joint stock, company, syndicate, co-partnership, corporation, receiver, trustee, conservator or other officer appointed by any State or Federal Court.

50.020 Sale to minor; certain other persons; misdemeanor; exceptions: Any person under this Chapter, or his employee, who shall sell, vend, give away or otherwise supply an intoxicating liquor, or non-intoxicating beer in any quantity whatsoever to any persons under the age of twenty-one (21) years, or any person intoxicated or appearing to be in a state of intoxication, or to be a habitual drunkard, and any person whomsoever except his or her parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years or to any intoxicated person or any person appearing to be in a state of intoxication, or to be a habitual drunkard, shall be deemed guilty of a misdemeanor; provided however, that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administrating of said intoxicating liquor to any person by a duly licensed physician.

50.030 Misrepresentation of age by a minor to obtain liquor: Any person of the age of fourteen (14) years and under the age of twenty-one (21) years who shall represent that he or she has

attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, shall upon conviction be deemed guilty of a misdemeanor and punishable as provided by other Ordinances of the Town on that subject.

- 50.040 Purchase or possession of intoxicating liquor by a minor; misdemeanor: Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his possession, any intoxicating liquor as defined in this Chapter shall be guilty of a misdemeanor and punishable as provided by other Ordinances of the Town on that subject.
 - 50.050 Purchase of non-intoxicating beer by minor: Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, any non-intoxicating beer as defined in this Chapter, shall be guilty of a misdemeanor and punishable as provided by other Ordinances of the Town on that subject.
 - 50.060 Purchase, possession, sale or distribution of controlled substance: Any person who purchases, possesses, sells, manufactures or distributes a controlled substance within the Town of Loma Linda, Missouri is guilty of a misdemeanor and shall be punished as provided by the other Ordinances of the Town on that subject and controlled substances shall be those so defined by the Statutes of the State of Missouri or the United States of America as illegal controlled substances.
-
- 13.010 Upon conviction of a violation of any such provision of the Code or any other Ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding Five Hundred Dollars and No Cents (\$500.00) or by imprisonment in the county jail not exceeding thirty (30) days or both such fine and imprisonment; provided that in any Ordinance wherein the penalty for an offense is fixed by a statute of the state, the statutory penalty, and no other, shall be imposed for such an offense.
 - 13.020 Every day a violation: Every day any violation of this Code or any other Ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
 - 13.030 Responsibility: Whenever any act is prohibited by this Code, by an Amendment thereof, or by any rule or regulation adopted hereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

This supersedes Ordinance No. 99-016

JUNK YARDS—SUBCHAPTER A

51.010 Subchapter definitions: Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this subchapter:

1. "Junk" means any old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old bottles or other glass; bones; waste paper and other waste or discarded material which might be prepared to be used again in some form; and any or all of the foregoing; and motor vehicles no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects accumulated by a person as by-products, waste or scraps from the operation of his own business, or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.
2. "Junkyard" shall mean a yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling or offering for sale any such junk, in whole units or by-parts for a business or commercial purposes, whether or not the proceeds from such act or acts are to be used for charity.
3. "Junk Dealer" shall mean a person who operates a junkyard, as defined above within the Town.
4. "Itinerant Junk Dealer" shall mean an individual (natural person) who buys, sells, collects or delivers junk within the Town as a business or employment within the Town, but who is not an operator of a junkyard within the Town or an employee of such an operator.
5. Weeds and vegetation on the premises, other than trees or shrubs, shall be kept at a height of not more than four inches.

51.020 It shall be unlawful for any person to act as a junk dealer or itinerant junk dealer in the Town, whether personally, by agents or employees, singly or along with some other business or enterprise.

Violation of this ordinance is a misdemeanor and may result in a fine up to Five Hundred Dollars and No Cents (\$500.00) and up to thirty (30) days in jail or any combination thereof. Each day constitutes a new violation.

SUBCHAPTER B—JUNK YARDS

51.500 Definitions: Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this subchapter.

1. "Junk Autos" means any motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business, or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.

2. "Vehicle" is any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, including, but not limited to, automobiles, trucks, trailers, motorcycles, tractors, buggies, and wagons, or any part thereof.

3. "Damaged or disabled vehicle" is any vehicle which is not registered or improperly registered with the State of Missouri; has been inoperable for more than 72 hours or is in such a state of repair as to be inoperable.

51.510 Damaged or disabled vehicles are nuisances: Any damaged or disabled vehicle, part thereof, or junk, located on any property, street or highway which presents a hazard to children, or harbors tall grass, weeds, or other vegetation or creates a fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin; or any vehicle, part thereof or junk allowed to remain unmoved on any street or highway for 48 hours is a public nuisance.

51.520 Nuisance unlawful to maintain: It shall be unlawful for any person to create or maintain a nuisance as defined in Section 51.510.

51.530 Notice: Whenever the Town Marshall or his duly authorized representative determines that any vehicle or junk is a nuisance as defined here, he shall cause written notice to be served upon the owner of the vehicle or junk, if he can be located, or the person in custody of such vehicle or junk, by registered mail or by personal service. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of sections 51.510 hereof, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this Ordinance, and state that the nuisance shall be abated within seven (7) days from receipt of such notice.

51.540 Proceedings when owner or custodian cannot be located: When the owner or custodian of any nuisance, as defined in Section 51.510, cannot be located by reasonable search, the notice shall be attached to the property, briefly stating the facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within seven (7) days of the date notice was posted, or if the vehicle is on public property, within two (2) days of the date notice was posted.

51.550 Duty of the owner or custodian: Any person receiving the notice provided for above shall comply with the provisions of the notice requiring abatement.

51.560 Dispositions: If not removed within the times specified in the notice (provided for by Sections 51.530 and 51.540) the vehicle or junk shall be transported to a storage area by

or at the direction of the Town Marshall or his duly authorized representative at the expense of the owner or person in custody thereof. It shall then be stored for a period of at least ninety (90) days, and the person entitled to possession thereof may redeem the property by payment to the Town of the actual cost of its removal and reasonable storage fee. If the vehicle or junk is unredeemed after the expiration of the 90-day period, the Town may sell it to the highest bidder, or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expenses charged to the owner or person in charge thereof and any excess held in escrow or returned to him. If unclaimed after ninety (90) days such excess shall be paid into the general funds of the Town.

51.570 Notice of sale: Prior to the sale of any such property, the Town Marshall shall cause to be posted in the Town Hall, place of storage, and at least one other public place in the Town, a notice of sale stating:

1. That the Town is selling abandoned property,
2. The color, make, year, motor number, and serial number, if available, and any other information necessary or an accurate identification of the property,
3. The terms of sale,
4. The date, time, and place of the sale.

This notice shall be published not less than ten (10) or more than twenty (20) days prior to the date of the sale.

51.580 Entry onto private property: The Town Marshall or his duly authorized representative may enter upon private property for inspection or for the purpose of removing any vehicle or junk in accordance with this Ordinance. If any person refuses to allow entry onto his private property, the Town Marshall may obtain a warrant from the proper official and proceed in accordance therewith.

13.010 Upon conviction of a violation of any such provision of the Code or any other Ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding Five Hundred Dollars and No Cents (\$500.00) or by imprisonment in the county jail not exceeding thirty (30) days or both such fine and imprisonment; provided that in any Ordinance wherein the penalty for an offense is fixed by a statute of the state, the statutory penalty, and no other, shall be imposed for such an offense.

13.020 Every day a violation: Every day any violation of this Code or any other Ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

13.030 Responsibility: Whenever any act is prohibited by this Code, by an Amendment thereof, or by any rule or regulation adopted hereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

BILL NO. 17-003

ORDINANCE NO. 10-009

This supersedes Ordinance No. 99-017

PEDDLERS and SOLICITORS

52.010 It shall be unlawful for any person to engage in the business of peddler as defined in section 52.020 of this ordinance within the corporate limits of this Town.

52.020 "Peddler" defined: The word, "Peddler" as used herein shall include any person, whether a resident of this Town or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers or offering for sale for later delivery, or seeking appointments for the purpose of, at that time, offering for sale; or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, rail road car, or other vehicle or conveyance; and further provide that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this ordinance shall be deemed a peddler subject to all of the provisions of this ordinance. The word, "Peddler" shall include the words, "Hawker", "Huckster", and "Solicitor".

13.010 Upon conviction of a violation of any such provision of the Code or any other Ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding Five Hundred Dollars and No Cents (\$500.00) or by imprisonment in the county jail not exceeding thirty (30) days or both such fine and imprisonment; provided that in any Ordinance wherein the penalty for an offense is fixed by a statute of the state, the statutory penalty, and no other, shall be imposed for such an offense.

13.020 Every day a violation: Every day any violation of this Code or any other Ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

13.030 Responsibility: Whenever any act is prohibited by this Code, by an Amendment thereof, or by any rule or regulation adopted hereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

This supersedes Ordinance No. 99-018

DECEPTIVE TRADE PRACTICES

55.010 Definitions: As used in this chapter, the following words and terms shall mean:

1. "Advertisement" includes the attempt by publication, dissemination, solicitation or circulation to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in any merchandise;
2. "Merchandise" includes any objects, wares, goods, commodities, intangibles, real estate or services;
3. "Sale" includes any sale, offer for sale, or attempt to sell, merchandise for cash or on credit.

55.020 Unlawful practices, exception: The act, use or employment by any person of any deception, fraud, false presentation, false pretense, misrepresentation, or the concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise, is declared to be an unlawful practice; provided, however, that:

1. Nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein an advertisement appears, or to the owner or operator of a radio or television station which disseminates an advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; and provided, further, that nothing herein contained shall apply to any advertisement which is subject to and complies with the rules and regulations of and the statutes administered by the Federal Trade Commission. That such an advertisement complies with the regulations of and the Statutes administered by the Federal Trade Commission shall be a defense which must be proven by one charged with violating this section.

55.030 Deceptive business practices: A person commits the offense of deceptive business practices if in the course of engaging in a business, occupation or profession, he recklessly:

1. Uses or possessed for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;

2. Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or services; or
3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or
4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
5. Makes a false or misleading statement for the purpose of obtaining property or credit.

55.040 Deceptive business practices, definitions: In the construction of the preceding section,

1. "Adulterated" means varying from the standard of composition or quality prescribed by Statute or lawfully promulgated administrative regulations of the United States of America or of this State lawfully filed or if none, as set by commercial usage.
2. "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of the United States of America or of this State lawfully filed or if none, as set by commercial usage; or represented as being another person's product though otherwise accurately labeled as to quality or quantity.

55.060 False advertisement: A person commits the offense of bait advertising if he advertises in any manner the sale of, or to increase the consumption of, property or services, he 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.

55.070 Bait advertising: A person commits the offense of bait advertising if he advertises 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 offered them; or
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.

55.080 Included offenses: The offense described in Sections 55.030 through 55.070 shall be included offenses in the unlawful practices prohibited by Section 55.020. No person shall be

convicted of a violation of both Section 55.020 and of one or more of Sections 55.030 through 55.070, as a result of the same act by him.

55.090 Misdemeanor: Violations of this Ordinance shall be a misdemeanor and punishable as provided by the general ordinances of the Town of Loma Linda, Missouri.

13.010 Upon conviction of a violation of any such provision of the Code or any other Ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding Five Hundred Dollars and No Cents (\$500.00) or by imprisonment in the county jail not exceeding thirty (30) days or both such fine and imprisonment; provided that in any Ordinance wherein the penalty for an offense is fixed by a statute of the state, the statutory penalty, and no other, shall be imposed for such an offense.

13.020 Every day a violation: Every day any violation of this Code or any other Ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

13.030 Responsibility: Whenever any act is prohibited by this Code, by an Amendment thereof, or by any rule or regulation adopted hereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.