

AN ORDINANCE

amending various sections in the Joplin Municipal Code dealing with animal abuse, rabies vaccinations, municipal court procedures, jail management, harassment, stalking, seatbelt regulations, passing regulations, vehicle regulations, removal of dead trees and branches, and, unlawful possession of firearms.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Section 18-5, Animal abuse, of the Code of Ordinances of the City of Joplin, Missouri, be repealed, and a new Section 18-5, Animal abuse and neglect, be enacted in lieu thereof, to read as follows:

"Section 18-5. Animal abuse and neglect.

A. Definitions. As used in this ordinance, the following terms shall mean:

(1) "Adequate care", normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal;

(2) "Adequate control", to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property;

(3) "Animal", every living vertebrate except a human being;

(4) "Animal shelter", a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not for profit organization devoted to the welfare, protection, and humane treatment of animals;

(5) "Farm animal", an animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber;

(6) "Harbor", to feed or shelter an animal at the same location for three or more consecutive days;

(7) "Humane killing", the destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA) 173: 59-72, 1978); or more recent editions, but animals killed during the feeding of pet reptiles as allowed by Code shall be considered humanely killed;

(8) "Owner", in addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal;

(9) "Person", any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

(10) "Pests", birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri.

B. Acts and facilities to which this ordinance does not apply.

The provisions of this ordinance shall not apply to:

(1) Care or treatment performed by a licensed veterinarian within the provisions of chapter 340, RSMo;

(2) Bona fide scientific experiments;

(3) Hunting, fishing, or trapping as allowed by chapter 252, RSMo, including all practices and privileges as allowed under the Missouri Wildlife Code;

(4) Facilities and publicly funded zoological parks currently in compliance with the federal "Animal Welfare Act" as amended;

(5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;

(6) The humane killing of an animal by the owner thereof, the agent of such owner, or by a veterinarian at the request of the owner thereof;

(7) The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian, or law enforcement or health official;

(8) With respect to farm animals, normal or accepted practices of animal husbandry;

(9) The killing or injuring of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring or menacing any person or farm animal but shall not include police or guard dogs while working;

(10) The killing of house or garden pests; or

(11) Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri.

C. Animal neglect and abandonment--penalties.

(1) A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control, which results in substantial harm to the animal to include:

a) A structurally sound, properly ventilated, sanitary, dry and weatherproof shelter suitable for the species, age and condition of the animal, which is free of litter

or hazardous substances and objects and which provides access to shade from direct sunlight and regresses from exposure to inclement weather conditions. The shelter shall have at a minimum a floor, walls with an opening suitable for the size of the animal and a roof. Unacceptable shelter includes but is not limited to barrels, crates, cardboard boxes and tarpaulins;

b) Wholesome foodstuffs suitable for the species which is provided at suitable intervals for the species in a sanitary manner and in quantities sufficient to maintain good health in the animal considering its age and condition;

c) Constant access or access at suitable intervals to a supply of clean potable, unfrozen water, provided in a sanitary manner and in sufficient amounts for the species to maintain good health in the animal; and,

d) Normal and prudent attention to the needs of the animal, including all required immunizations, sufficient exercise and rest, and grooming to maintain good health and the provision to each sick or injured animal of the adequate veterinary care or humane death.

(2) A person is guilty of abandonment when he has knowingly abandoned an animal in any place without making provisions for its adequate care;

(3) Animal neglect and abandonment is punishable pursuant to Ordinance 1-5. All fines and penalties for a first conviction of animal neglect or abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived;

(4) In addition to any other penalty imposed by this section, the court may order a person found guilty of animal neglect or abandonment to pay all reasonable costs and expenses necessary for:

(1) The care and maintenance of neglected or abandoned animals within the person's custody or ownership;

(2) The disposal of any dead or diseased animals within the person's custody or ownership;

(3) The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and

(4) The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

D. Animal abuse -- penalties.

1. A person is guilty of animal abuse when a person:

(1) Intentionally or purposely kills an animal in any manner not allowed by or

expressly exempted from this ordinance without legal excuse or justification;

(2) Purposely or intentionally causes injury or suffering to an animal without legal excuse or justification;

(3) Has ownership or custody of an animal and knowingly fails to provide adequate care or adequate control;

(4) Causes an animal to be carried, moved or kept in or upon any vehicle in a cruel or inhumane manner; or,

(5) Teases or torments an animal in a fashion so as to make such animal mean or aggressive.

2. Animal abuse is punishable pursuant to Ordinance 1-5.

E. Animals, fighting, training to fight or injuring for amusement or gain, penalty -- spectator, penalty.

1. Any person who:

(1) Owns, possesses, keeps, or trains any animal, with the intent that such animal shall be engaged in an exhibition of fighting with another animal;

(2) For amusement or gain, causes any animal to fight with another animal, or causes any animals to injure each other; or

(3) Permits any act as described in subdivision (1) or (2) of this subsection to be done on any premises under his charge or control, or aids or abets any such shall be punished pursuant to Ordinance 1-5.

2. Any person who is knowingly present, as a spectator, at any place, building, or structure where preparations are being made for an exhibition of the fighting of animals, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subdivision (2) of subsection 1 of this section, with the intent to be present at such exhibition, fighting, or injuring shall be punished pursuant to Ordinance 1-5.

3. Nothing in this section shall be construed to prohibit:

(1) The use of animals in the management of livestock by the owner of such livestock or his employees or agents or other persons in lawful custody of such livestock;

(2) The use of animals in hunting; or

(3) The training of animals or the use of equipment in the training of animals for any purpose not prohibited by law.

F. Responsibility of parent or guardian of minor owning.

The parent or guardian of a minor child is responsible for the adequate care of any animal

owned by, in the control of, or harbored by that minor child at any place where the parent or guardian has legal or equitable control.

G. Neglected or abused animal not to be returned to owner or custodian, when.

If a person is adjudicated guilty of animal neglect or animal abuse and the court is satisfied that an animal owned or controlled by such person would in the future be subject to such neglect or abuse, such animal shall not be returned to or allowed to remain with such person, but its disposition shall be determined by the court.

H. Removal of animals; impoundment.

The director of public health and welfare or his authorized representative shall have the power to impound any animal within the City described in this Ordinance, to remove animals from private owners and place them in the custody of such director of public health and welfare or his authorized representative in cases where the health or safety of the animal or the public is, in the opinion of the director or his representative, in immediate danger. Such director or his representative shall have the power to remove such animals, except from such owners' dwelling, without the consent of the owners, for the protection of the animals or the public, and shall have the right to retain custody of such animals until the threat to the health or safety of the animals or the public, in the opinion of the director or his representative, has been removed. Any expense incurred in such impoundment becomes a lien on the animal impounded and must be discharged before the animal is released from the custody of the director or his representative. Fees for dogs, cats and other small animals shall be consistent with section 18-144. In the case of large animals, private livestock haulers, stables and other services may be utilized by the director or his representative. The actual cost of the city for these services shall be charged in lieu of the schedule set forth in section 18-144.

I. Disposal of unredeemed animals.

When the impounded or removed animal is not claimed by its owner and all impoundment costs satisfied within seven days from the date of impoundment, such animal may be sold at public or private sale for fair consideration to a person capable of providing care consistent with this section, with the proceeds of that sale applied first to discharge of the lien, and any balance to paid over to the owner. If no purchaser is found, the animal may be disposed of in a humane manner at the discretion of the director of public health and welfare.

J. Interfering with enforcing authority.

Any person who shall interfere with the director or his authorized representative in the performance of his duties shall be punished pursuant to Ordinance 1-5."

Section 2. That the Code of Ordinances of the City of Joplin, Missouri, be amended by repealing sub-paragraph (a) of Section 18-65, Rabies vaccination required., and enacting in lieu thereof, a new sub-paragraph (a) of Section 18-65, Rabies vaccination required., to read as follows:

"Section 18-65. Rabies vaccination required.

(a) All persons who are the owners of any dog over four (4) months of age within the city shall have such animal vaccinated by a licensed veterinarian so as to provide immunity from rabies. All dogs receiving such vaccination shall receive the vaccination and tags for the vaccination as specified in the current Compendium of Animal Rabies Control."

Section 3. That the Code of Ordinances of the City of Joplin, Missouri, be amended by repealing Section 18-91., Rabies vaccination required., and inserting in lieu thereof, a new Section 18-91., Rabies vaccination required., to read as follows:

"Section 18-91. Rabies vaccination required.

All persons who are the owners of any cat over four (4) months of age within the city shall have such animal vaccinated by a licensed veterinarian so as to provide immunity from rabies. All cats receiving such vaccination shall receive the vaccination and tags for the vaccination as specified in the current Compendium of Animal Rabies Control."

Section 4. That the Code of Ordinances of the City of Joplin, Missouri, be amended by repealing sub-paragraph (e) of Section 42.35, Court costs and other fees., and a new sub-paragraph (e) of Section 42.35, Court costs and other fees., be enacted in lieu thereof, to read as follows:

"Section 42.35. Court costs and other fees.

...

(e) In addition to all other court costs described in this section, additional costs of \$2.00 shall be assessed as costs in all cases filed in municipal court. The judge may waive assessment of such costs in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. Such costs shall be collected by the clerk and disbursed at least monthly for deposit in a fund for the provision of operating expenses for shelters for battered persons pursuant to RSMo. 479.261 in such proportion as the city council shall from time-to-time decide. The funds shall stand appropriated upon receipt for such use. No fee as described in this subsection shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court.

..."

Section 5. That the Code of Ordinances of the City of Joplin, Missouri, be amended by the enactment of a new Section 42-38. Court may compel testimony, witness immunity exception, when, penalty., to read as follows:

"Section 42-38. Court may compel testimony, witness immunity, exception, when, penalty.

1. In the case of any individual who has been or may be called to testify or provide other

information at any proceeding before the municipal judge, the judge may issue, in accordance with subsection 2. of this section, upon the written request of the prosecuting attorney, an order requiring such individual to give testimony or provide other information which the individual refuses to give or provide on the basis of the individual's privilege against self-incrimination. When such an order is issued, the witness may not refuse to comply with the order on the basis of the witness's privilege against self-incrimination, but after complying with the order and giving the testimony or producing the evidence compelled by the order, no such person shall be criminally prosecuted or subjected to any criminal penalty for or on account of any act, transaction, matter or thing which is the subject matter of the inquiry in which the person testifies or produces evidence, except a prosecution for perjury, giving a false or misleading statement or contempt committed in answering or failing to answer, or in producing or failing to produce evidence in accordance with the order.

2. A prosecuting attorney may be granted an order compelling a witness to testify and produce evidence upon the approval of a verified application for witness immunity. The judge hearing the application for witness immunity may not preside over the subsequent trial or any ancillary proceeding for which the immunity applies. Such application shall offer proof that:

- (1) Such individual has refused or is likely to refuse to testify or provide other information on the basis of the individual's privilege against self-incrimination; and either:
- (2) The testimony or other information to be provided by such individual is necessary to the investigation or prosecution and is otherwise unobtainable; or
- (3) The testimony or other information to be provided by such individual is necessary for the prosecutor to prove a defendant's guilt beyond a reasonable doubt.

3. If a person refuses to testify on the basis of such person's privilege against self-incrimination after being given an order to testify under this section or produce evidence or other information, such person shall be adjudged in contempt and committed to the City jail until such time as the person purges himself or herself of this contempt by testifying or producing evidence and information as ordered, or the trial for which the person's testimony was requested has concluded.

4. A trial shall be continued a reasonable period of time to allow the application for an order to compel testimony pursuant to this Ordinance. In the event of a trial continuance, the application shall be made to a municipal judge not hearing the cause. If a witness is committed to the City jail for contempt, the defendant and any attorney shall be available for the resumption of the trial on one day's notice. In no event shall the person held in contempt be confined for more than 30 days."

Section 6. That the Code of Ordinances of the City of Joplin, Missouri, be amended by the enactment of a new Section 42-39. Management of prisoners., to read as follows:

" Section 42-39. Management of prisoners.

The municipal judges shall supervise the terms and conditions of imprisonment of any person

who they have sentenced to confinement in the city jail. The municipal judges may individually supervise the terms and conditions of confinement of persons sentenced to confinement, and they may adopt by order such terms and conditions as they deem fit, including orders for work release, compassionate release or parole in the event of the illness or injury of the inmate or the death or injury of a family member of the inmate, credit for good behavior, release or parole of inmates during periods of jail overcrowding, emergency, disaster, and so forth. Any person who violates a term or condition of confinement, release, or parole shall be subject to contempt."

Section 7. That the Code of Ordinances of the City of Joplin, Missouri, be amended by the enactment of a new Section 42-40., Report of delinquent citations., to read as follows:

"Section 42-40. Report of delinquent citations.

In addition to issuance of a warrant, pursuit of civil remedies, and other penalties as allowed by law, any violation for which a warrant has been issued that has not been cleared for a period of six months may be reported to a collection agency. The Municipal Judge may enter into such appropriate agreements with collection agencies for the payment of their services, not to exceed $\frac{1}{4}$ of the amount of any fine, costs or recoupment, and \$1 for each jail day to be served."

Section 8. That Division 4. Non-Traffic-Violations Bureau, Section 42-91., Establishment; jurisdiction., of the Code of Ordinances of the City of Joplin, Missouri, be repealed and a new Division 4. Violations Bureau, Section 42-91., be enacted in lieu thereof, to read as follows:

"DIVISION 4. VIOLATIONS BUREAU

Section 42-91. Establishment; jurisdiction.

The judge of the municipal court is hereby authorized to establish a violations bureau for certain designated municipal ordinance violations. The violations bureau shall be established by order of the municipal court for only those offenses that the municipal court deems to be appropriate. The order shall list each offense and the standard penalty for the offense, and the order shall be posted at the violations bureau. Any citizen wishing to plead guilty to an offense which is designated in the order may appear at the violations bureau, waive arraignment and plead guilty in writing by paying the fine set forth in the order."

Section 9. That Section 82-74. Harassment., of the Code of Ordinances of the City of Joplin, Missouri, be repealed, and a new Section 82-74. Harassment., be enacted, to read as follows:

"Section 82-74. Harassment.

(a) A person commits the ordinance violation of harassment if, for the purpose of frightening or disturbing another person, he:

(1) Communicates in writing or by telephone a threat to commit a crime against the

personal or real property of the other person, or assault any person;

(2) Makes a telephone call or communication in writing and uses coarse language offensive to one of reasonable sensibility;

(3) Makes a telephone call anonymously; or

(4) Makes repeated telephone calls.

(b) Any person who commits the ordinance violation of harassment, upon conviction, may be punished, upon conviction, in accordance with section 1-5.

Section 10. That the Code of Ordinances of the City of Joplin, Missouri, be amended by the enactment of a new Section 82-81. Stalking – definitions – penalties., to read as follows:

"Section 82-81. Stalking--definitions--penalties.

1. As used in this section, the following terms shall mean:

(1) "Course of conduct" -- a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct". Such constitutionally protected activity includes picketing or other organized protests;

(2) "Credible threat" -- a threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause physical injury to, a person;

(3) "Harasses" -- to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress, and that actually causes substantial emotional distress to that person.

2. Any person who purposely and repeatedly harasses or follows with the intent of harassing another person commits the crime of stalking.

3. Any person who purposely and repeatedly harasses or follows with the intent of harassing or harasses another person, and makes a credible threat with the intent to place that person in reasonable fear of death or serious physical injury, commits the crime of stalking.

4. Stalking shall be punished pursuant to Ordinance 1-5.

5. 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 11. That the Code of Ordinances of the City of Joplin, Missouri, be amended by the enactment of a new Section 82-198, Possession – manufacture – transport – repair – sale of certain weapons a crime – exceptions – penalties., to read as follows:

"Section 82-198. Possession – manufacture – transport – repair – sale of certain weapons a crime – exceptions – penalties.

1. A person commits a crime if he knowingly possesses, manufactures, transports, repairs, or sells:

- (1) an explosive weapon;
- (2) a machine gun;
- (3) a gas gun;
- (4) a short barreled rifle or shotgun;
- (5) a firearm silencer;
- (6) a switchblade knife;
- (7) a bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
- (8) knuckles.

2. A person does not commit a crime under this section if his 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 subdivision (1) of this section; 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 dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in subdivision (1), (3) or (5) of subsection 1 of this section it must be in such a nonfunctioning condition that it cannot readily be made operable. No short barreled rifle, short barreled shotgun, or machine gun may be possessed, manufactured, transported, repaired or sold as a curio, ornament, or keepsake, unless such person is an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C., Title 18, or unless such firearm is an "antique firearm" as defined in subsection 3 of Section 571.080, or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C., Title 26, Section 5845 (a).

3. Violation of this section is punishable under Ordinance 1-5."

Section 12. That the Code of Ordinances of the City of Joplin, Missouri, be amended by the repeal of Section 114-166, Overtaking and passing vehicle., by the enactment in lieu thereof a

new Section 114-166, Passing regulations., to read as follows:

"Section 114-166. Passing regulations.

1. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.

2. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Where unobstructed pavement of sufficient width and clearly marked for two or more lines of traffic. The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway;

(3) Upon a one-way street of sufficient width and clearly marked for two or more lines of traffic. The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway;

3. Except when a roadway has been divided into three traffic lanes, no vehicle shall be driven to the left side of the center line of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

4. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(2) When the view is obstructed upon approaching within one hundred feet of any

bridge, viaduct, tunnel or when approaching within one hundred feet of or at any intersection or railroad grade crossing."

Section 13. That Section 114-174. Seat belts required., of the Code of Ordinances of the City of Joplin, Missouri, be repealed, and a new Section 114-174., Seat belts required., be enacted in lieu thereof, to read as follows:

"Section 114.174 Seat belts required.

1. As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and trucks with a licensed gross weight of twelve thousand pounds or more.

2. Each driver, except persons employed by the United States Postal Service, while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this city, and persons less than eighteen years of age operating or riding in a truck, as defined in section 301.010, RSMo, on a street or highway of this city shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that, a child less than four years of age shall be protected as required in ordinance 114-175. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection. The provisions of this section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law.

3. Each driver of a motor vehicle transporting a child four years of age or more, but less than sixteen years of age, shall secure the child in a properly adjusted and fastened safety belt.

4. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by plaintiff;

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence.

5. Each driver who violates the provisions of subsection 2. or 3. of this section is guilty of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions of law and

court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section.

6. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the driver and passengers are not in violation of this section for any person who does not have a seat belt available.

Section 14. That the Code of Ordinances of the City of Joplin, Missouri, be amended by the repeal of Section 114-199, Operation of dangerous vehicle., and a new Section 114-199, Operation of dangerous vehicle., be enacted in lieu thereof, to read as follows:

"Section 114-199. Operation of dangerous vehicle.

(a) No person shall drive, own or operate a vehicle which is driven or towed or hauled over the streets of the city which is so located or constructed as to cause delay, accident or injury to other vehicles or users of the public streets of the city;

(b) No person shall operate a vehicle, and no owner shall suffer any person to operate a vehicle, within the City that is not equipped and maintained in accordance with the standards required for state vehicle inspections, as set forth in 11 C.S.R. 50-2.150 through .330, and as may be hereinafter amended from time-to-time pursuant to law."

Section 15. That the Code of Ordinances of the City of Joplin, Missouri, be amended by the repeal of Section 122-54., Removal of dead, decayed or broken limbs overhanging street or sidewalk., and the enactment in lieu thereof, a new Section 122-54., Dead trees and branches., to read as follows:

"Section 122-54. Dead trees and branches.

(a) Owners shall remove all dead, decayed or broken limbs or branches that overhang any public highway, street, alley or other public place so that they shall not fall over the sidewalk, street, alley or other public highway. All dead, decayed or diseased trees or limbs or branches thereof upon any such premises or in or over the parkway in front of such premises are hereby declared to be nuisances.

(b) No person shall suffer a dead or diseased tree to stand upon any property over which he or she has control within the City, but shall take the same down within 10 days of notice to do so.

(c) No person shall suffer a tree which is in substantial part dead or diseased to stand upon any property over which he or she has control within the City, but shall trim away the dead or diseased parts within ten (10) days notice to do so.

(d) Should any person fail in their duty to abate the nuisances described in sections (a), (b), or (c) hereof, or if the owner or person in control of the property cannot be identified, the City may remove the tree or its dead or diseased parts as seems reasonably necessary, and the cost thereof

shall be assessed to the property."

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 20th day of December, 1999.

Earl S. Carr
Mayor

ATTEST: Barbara Hogelin, City Clerk

APPROVED AS TO FORM: Chuck Brown, City Attorney