

**COUNCIL BILL NO. 2004-003**

**ORDINANCE NO. 2004-045**

**AN ORDINANCE** repealing Section 82-46, Failure to return rented property., of the Joplin City Code and enacting in lieu thereof, a new Section 82-46, Failure to return rented property., of the Joplin City Code.

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

Section 1. That Section 82-46, Failure to return rented property., is hereby repealed, and that a new Section 82-46, Failure to return rented property., of the Joplin City Code, be enacted in lieu thereof, to read as follows:

"Sec. 82-46. Failure to return rented property.

(a) Any person who, with the intent to deprive the owner thereof, purposely fails to return leased or rented personal property of less than \$500.00 in value to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property shall be deemed guilty of a misdemeanor.

(b) Any person who has leased or rented personal property of another and who conceals the property from the owner, or who otherwise sells, pawns, loans, abandons, or gives away the leased or rented property of less than \$500.00 in value, shall be deemed guilty of a misdemeanor.

(c) It shall be prima facie evidence of the violation failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten days after proper notice following the expiration of the lease or rental agreement.

(d) For purposes of this section, proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.

(e) For purposes of this section, value shall be determined by the market value of the property when it is due to be

returned, or, if such cannot be satisfactorily ascertained, the cost of replacement of the property when it is due to be returned."

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 1st day of March, 2004.

Richard H. Russell, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney