

BILL NO. 07-60-22
ORDINANCE NO. 4556

**AN ORDINANCE TO AMEND CHAPTER 32 OF THE SUGAR CREEK CITY CODE TO ADD
AND AMEND CERTAIN OFFENSES**

WHEREAS, on or about March 8, 2021, the City of Sugar Creek approved a recodification of the City Code; and

WHEREAS, it was later discovered that certain offenses were modified or not included in the recodified version of the City Code; and

WHEREAS, the City wishes to amend Chapter 32 to revise provisions regarding certain offenses as well as add offenses that were inadvertently left out of the recodified version of the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF SUGAR CREEK, MISSOURI AS FOLLOWS:

SECTION 1. That Chapter 32, Offenses, Article III, Sexual Offenses be amended to include a new Section, Section 32-68 to read as follows:

Sec. 32-68. Molesting children.

It shall be unlawful for any person to knowingly; indulge in any obscene, degrading, lewd, immoral, lascivious, indecent or vicious actions or practices, in the presence of any minor; or expose his or her genitals or person to any minor in an obscene, degrading, lewd, immoral, lascivious or indecent manner or touch the genitals or person of any minor in an obscene, degrading, lewd, immoral, lascivious, or indecent manner; or suggest or refer to an obscene, degrading, lewd, immoral, lascivious, or indecent act, by language, signs, or touching, in the presence of any minor; or detain or divert any minor with the intent to perpetrate any of the aforesaid acts; or sell, offer to sell, give away, or exhibit to any minor any lewd picture, moving picture, or device whatsoever.

SECTION 2. That Chapter 32, Offenses, Article IV, Offenses Against Property, Section 32-95 is hereby amended to read as follows:

Sec. 32-95. - Fraudulent use of a credit device.

- (a) A person commits the crime of fraudulent use of a credit device or debit device if that person 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 The device has been revoked or canceled; or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/her use of the device is unauthorized.
- (b) For the purposes of this section, a “credit device” or “debit device” means a writing, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

SECTION 3. That Chapter 32, Offenses, Article IV, Offenses Against Property, Section 32-97 is hereby amended to read as follows:

Sec. 32-97. - Forgery.

It shall be unlawful for any person, with the purpose to defraud, to:

- (1) Make, complete, alter or authenticate any writing so that it purports to have been made by another or at another time or place or in a numbered sequence other than was in fact the case or with different terms or by authority of one who did not give such authority; or
- (2) Erase, obliterate or destroy any writing; or
- (3) Make or alter anything other than a writing, including receipts and universal product codes, so that it purports to have a genuineness, antiquity, rarity, ownership or authorship which it does not possess; or
- (4) Use as genuine, or possess for the purpose of using as genuine, or transfer with the knowledge or belief that it will be used as genuine, any writing or currency, including receipts and universal

SECTION 4. That Chapter 32, Offenses, Article IV, Offenses Against Property, Section 32-99 is hereby amended to read as follows:

Sec. 32-99. – Possession of burglar’s tools.

A person commits a crime of possession of burglar’s tools if that person possesses any tool, instrument or other article adapted, designed or commonly used for committing or facilitating offenses involving forcible entry into premises, with a purpose to use a knowledge that some person has the purpose of using the same in the commission of an offense of such character. Upon conviction under this section, all such tools become the property of the City of Sugar Creek, Missouri.

SECTION 5. That Chapter 32, Offenses, Article IV, Offenses Against Property, be amended and a new Section, Section 32-101, Tampering with a motor vehicle, be added to read as follows:

Sec. 32-101. – Tampering with a motor vehicle.

It shall be unlawful for any person to operate or occupy an automobile, airplane, motorcycle, motorboat, or other motor propelled vehicle without the consent of the owner thereof.

SECTION 6. That Chapter 32, Article V, Offenses Against Public Order, Section 32-159 is hereby amended to read as follows:

Sec. 32-159. - PROHIBITION AGAINST LINGERING

- (a) It is unlawful for any person to linger within 100 feet of any business. It is also unlawful for any person to linger in any other place, at any time or in any manner under circumstances that warrant justifiable and reasonable alarm or immediate concern that the person seeks to possess, buy, sell, or distribute any deadly weapon, illegal intoxicant or otherwise commit any crime or offense or attempt to entice others to do so.
- (b) As used herein, the expression “linger” means remaining outdoors in any location in which the individual does not have an ownership interest or leasehold interest or permission from the owner

or lessee while (1) repeatedly stopping or attempting to stop or interfere with the free passage of others, (2) repeatedly engaging in or attempting to engage others in conversation and/or (3) repeatedly stopping or attempting to stop motor vehicles, by any one or more of these activities with the purpose of possessing, buying, selling, or distributing any deadly weapon, controlled substance, illegal intoxicant or for committing or attempting to commit any crime or offense or enticing others to do so.

(c) Among the circumstances which may be considered in determining whether alarm or immediate concern as set forth in subsection "a" is warranted is whether a person takes flight upon the appearance of a law enforcement officer, refuses to provide identity, or endeavors to conceal himself, herself, or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern by requesting that the person provide identity, explain his or her presence and conduct, and demonstrate that he or she is unarmed. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have dispelled the alarm or immediate concern which gave rise to the initial intervention by law enforcement.

(d) Any person found guilty of unlawful lingering hereunder shall be punished as set out in this chapter.

SECTION 7. That Chapter 32, Article X, Minors, is hereby amended and a new Section, Section 32-324, Endangering the welfare of a child, be added to read as follows:

Sec. 32-324. - Endangering the welfare of a child.

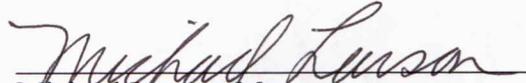
- (a) A person commits the crime of endangering the welfare of a child if that person: (1) Knowingly acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old; (2) knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any behavior or make associations that are injurious to his or her welfare or the welfare of others or to violate State or Federal Law or municipal ordinance; or (3) being a parent, guardian or person legally charged with the care or custody of a child less than seventeen (17) years old, recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent that child from entering a dwelling that is a public nuisance, from engaging in any behavior that is injurious to his or her welfare or the welfare of others, from violating State or Federal law or municipal ordinance, or while the child is under the age of sixteen (16) and subject to compulsory school attendance, from repeatedly and without justification being absent from school.
- (b) Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided nonmedical remedial treatment recognized and permitted under the laws of this State.

SECTION 8. That this ordinance shall take effect from and after its passage.

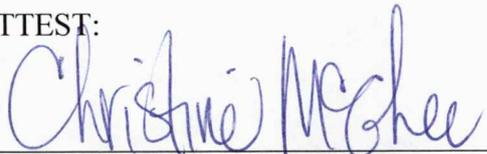


Passed by the Board of Aldermen this 25th day of July, 2022.

Approved by the Mayor this 25th day of July, 2022.


Michael Larson, Mayor

ATTEST:


Christine McGhee, City Clerk