

AN ORDINANCE OF THE CITY OF WEST PLAINS, MISSOURI TO AMEND CHAPTER 28, OFFENSES, ARTICLE II – OFFENSES AGAINST PUBLIC PEACE, OF THE CODE OF ORDINANCES FOR THE CITY OF WEST PLAINS, MISSOURI, BY ADDING A NEW SECTION 28-44 TITLED DISORDERLY CONDUCT.

WHEREAS, it has been determined by the City Council of West Plains, Missouri, that the safety and welfare of the residents of the City of West Plains will be promoted by adding an ordinance dealing with disorderly conduct, and

WHEREAS, it is necessary to enact an ordinance dealing with disorderly conduct in order to promote the safety and general welfare of the residents of the City of West Plains.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI AS FOLLOWS:

Chapter 28 - OFFENSES

Article II – OFFENSES AGAINST PUBLIC PEACE

Section 28-44.- Disorderly Conduct

(a) A person shall be guilty of disorderly conduct if, with the purposes of causing public danger, alarm, disorder, nuisance, or their conduct is likely to cause public danger, alarm, disorder, or nuisance, he or she willfully does any of the following acts in a public place:

- (1) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of their life, limb, or health.
- (2) Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.
- (3) Causes, provokes, or engages in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another.
- (4) Interferes with another's pursuit of a lawful occupation by acts of violence.
- (5) Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a lawful police officer or other lawful authority known to be such.
- (6) Resists or obstructs the performance of duties by police officers, fire fighters, or any authorized official of the City, when known to be such an official.

(7) Incites, attempts to incite, or is involved in attempting to incite a riot.

(8) Addresses abusive language, obscene gestures, or threats to any member of the Police Department, Fire Department, any other authorized official of the City who is engaged in the lawful performance of their duties, or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited.

(9) Damages, befouls, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition.

(10) Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any persons nearby, or near to any public highway, road, street, lane, alley, park, square, or common, whereby the public peace is broken or disturbed, or the traveling public annoyed.

(11) Fails to obey a lawful order to disperse by a Police Officer, when known to be such an official where one (1) or more persons are committing acts of disorderly conduct in the immediate vicinity and the public health and safety is imminently threatened.

(12) No person shall discharge a paint gun, throw any stone, brickbat, ball or missile or use a slingshot or other device to cause an object to be thrown, shot or slung toward another person(s) or property within the City without the prior consent of said person; nor shall any person use any of the above devices to cause any object to be thrown toward or propelled toward a moving vehicle within the City limits.

(13) No person shall lay or cause to be laid or deposited upon any roadway any object which may damage a motor vehicle, in any way impair the driver's vision, or startle the vehicle's operator.

(b) Exemptions. This Section shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

(c) Definitions. The following words when used in this Section shall have the meanings set out herein.

(1) *Incite a riot* means, but is not limited to, urging, or instigating other persons to riot, but shall not be deemed to mean the mere oral or written:

a. Advocacy of ideas; or

b. Expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any act or acts.

(2) *Public place* means any place to which the general public has access and a right to resort to 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 public grounds, area, or parks.

(3) *Riot* means a public disturbance involving:

a. An act or acts of violence by one (1) or more persons who are part of an assemblage of three (3) or more persons, which acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual; or

b. A threat or threats of the commission of an act or acts of violence by one (1) or more persons who are part of an assemblage of three (3) or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, whereas the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

This Ordinance shall be in full force and in effect after the date of its passage and approval.

PASSED AND APPROVED THIS 20 DAY OF March, 2023.

CITY OF WEST PLAINS, MISSOURI

BY: Mike Topliff
MIKE TOPLIFF, MAYOR

ATTEST:

Allison Skinner
ALLISON SKINNER, CITY CLERK