

BILL NO. 2017-36

ORDINANCE NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_

**AN ORDINANCE TO ADD A NEW SECTION TO THE HERMANN MUNICIPAL CODE TO PROHIBIT DISORDERLY CONDUCT.**

WHEREAS, the Board of Aldermen has determined that adding a new section to the Hermann Municipal Code to prohibit disorderly conduct would serve a legitimate public purpose and is in the best interests of the citizens of the City of Hermann, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HERMANN, MISSOURI, AS FOLLOWS:

**SECTION ONE:** That a new section 215.220 *Disorderly Conduct* shall be added to the Hermann Municipal Code, as follows:

**Section 215.220 Disorderly Conduct.**

*Definition.* For the purpose of this Section, the term “public place” shall mean: any place to which the general public has access and a right to resort for 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 also public grounds, area or parks.

**B.** *Disorderly Conduct Prohibited.* A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder or nuisance or if his/her conduct is likely to cause public danger, alarm, disorder or nuisance, he/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 his/her life, injury to his/her 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. Caused, 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 to 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 the City Police or other lawful authority known to be such.

6. Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his/her own safety or the safety of others.
7. Resists or obstructs the performance of duties by City Police or any other authorized official of the City, when known to be such an official.
8. Incites, attempts to incite or is involved in attempting to incite a riot.
9. Addresses abusive language or threats to any member of the Police Department, any other authorized official of the City who is engaged in lawful performance of his/her duties or any other person when such words have a tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited.
10. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
11. Makes or cause to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other 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.
12. 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.
13. Uses abusive or obscene language or makes an obscene gesture.

**C.** *Exemptions.* Subsection **(B)** 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.

**D.** *Penalty.* Violation of any provision of this section shall be a misdemeanor.

**SECTION TWO:** The publisher of the City of Hermann ordinances shall be permitted to re-designate the section or sub-section number of this revised code section to fit within an appropriate portion of the Hermann City Code, within the discretion of the publisher.

**SECTION THREE:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION FOUR:** This Ordinance shall be in full force and effect from and after its passage and adoption.

First Reading: September 11, 2017

Second Reading: \_\_\_\_\_

VOTE:

Name	First Reading			Second Reading		
	Aye	Nay	Abs	Aye	Nay	Abs
Alderman David Faerber						
Alderman Bruce Cox						
Alderman Brian Chorley						
Alderman Tom Durham						

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
ROBERT C. KOERBER, Mayor

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PATRICIA HEANEY, City Clerk