

Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION \_\_\_\_\_ OF THE  
\_\_\_\_\_, MISSOURI, CITY CODE RELATING TO  
TRESPASSING.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF \_\_\_\_\_,  
MISSOURI, AS FOLLOWS:**

**Section One.**

Section \_\_\_\_\_ of Chapter\_\_\_\_ of the \_\_\_\_\_, Missouri, City Code is hereby repealed and a new Section \_\_\_\_\_ is hereby enacted in lieu thereof to read as follows:

**CHAPTER \_\_\_\_\_: \_\_\_\_\_**

**SECTION \_\_\_\_\_: TRESPASSING**

A. As used in this Section the following terms mean:

"Enter unlawfully or remain unlawfully", a person "enters unlawfully or remains unlawfully" in or upon premises when he is not licensed or privileged to do so. A person who, regardless of his purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

"Inhabitable structure" includes a ship, trailer, sleeping car, airplane, or other vehicle or structure:

- (1) Where any person lives or carries on business or other calling; or
- (2) Where people assemble for purposes of business, government, education, religion, entertainment or public transportation; or

(3) Which is used for overnight accommodation of persons.

Any such vehicle or structure is "inhabitable" regardless of whether a person is actually present;

"Of another", property is that "of another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein;

If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an "inhabitable structure of another";

B. A person commits the crime of trespass if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

C. A person does not commit the crime of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

(1) Actual communication to the actor; or

(2) Posting in a manner reasonably likely to come to the attention of intruders.

## **Section Two.**

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

## **Section Three.**

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