

THE MUNICIPAL CODE OF ST. LOUIS (ANNOTATED),

Being Ordinance No. 19991, Approved April 3, 1900.

IN CONNECTION WITH WHICH ARE PUBLISHED THE CONSTITUTION OF THE UNITED STATES, THE ACT OF ADMISSION OF MISSOURI, ORDINANCE OF ACCEPTANCE AND CONSTITUTION OF MISSOURI, A COMPILATION OF LAWS OF THE STATE OF MISSOURI SPECIALLY APPLICABLE TO THE CITY OF ST. LOUIS (ANNOTATED), THE SCHEME OF SEPARATION OF THE CITY AND COUNTY OF ST. LOUIS (ANNOTATED), THE CHARTER OF THE CITY OF ST. LOUIS (ANNOTATED), GENERAL NOTE TO THE CHARTER, INCLUDING COMMENTS ON THE LAW OF MUNICIPAL CORPORATIONS, AND AN APPENDIX CONTAINING ACTS OF THE FORTY-FIRST GENERAL ASSEMBLY OF MISSOURI, SPECIALLY APPLICABLE TO ST. LOUIS, ADDITIONAL ANNOTATIONS TO THE CHARTER, LATE GENERAL ORDINANCE PROVISIONS DOWN TO AUGUST 21, 1901, A TABLE OF MAYORS, ALDERMEN, DELEGATES, COUNCILMEN AND MEMBERS OF THE MUNICIPAL ASSEMBLY FROM THE BEGINNING OF THE CITY GOVERNMENT (1823) TO AND INCLUDING THE PRESENT ADMINISTRATION, A DIRECTORY OF THE MUNICIPAL ASSEMBLY (1901 TO 1903), THE COMPOSITION OF THE BOARD OF PUBLIC IMPROVEMENTS FROM ITS ORGANIZATION (1877) TO DATE, THE PRESENT MUNICIPAL OFFICERS, TABLES OF MUNICIPAL DEPARTMENTS AND BOARDS, CHIEF DEPUTIES AND CHIEF ASSISTANTS TO MUNICIPAL OFFICERS, AND A TABLE OF YEARLY WATER RATES.

Published by Authority of Ordinance No. 19203, Approved November 26, 1897

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OF THE ST. LOUIS BAR.

ST. LOUIS, MO.:
WOODWARD & TIERNAN PRINTING CO., PRINTERS.
1901

the sale or exposure to sale of any lottery ticket or tickets, or any share or part of any lottery ticket in any lottery or device in the nature of a lottery, within the City of St. Louis, or elsewhere, and any person who shall in the City of St. Louis advertise or cause to be advertised, the drawing of any scheme in any lottery, or shall print or publish such advertisement, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than five hundred dollars for each offense. (R. O. 1892, sec. 1004.—p.)

Sec. 1457. Lottery, etc., letting of premises for prohibited.—Every person who in the City of St. Louis, shall knowingly permit to be used, any house, building, shed, booth, shelter, lot or other premises to him belonging, or by him occupied, or of which he has at the time possession or control, for the sale or exposure to sale of any lottery ticket or tickets, or any share or part of any lottery ticket in any lottery, or device in the nature of a lottery, or for the purpose of conducting any gift enterprise, or scheme of drawing in the nature of a lottery, within the City of St. Louis, or elsewhere, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than four hundred dollars for each and every offense. (R. O. 1892, sec. 1005.)

ARTICLE II.

OF OFFENSES AFFECTING THE PUBLIC ORDER AND PEACE.

SECTION

- 1458. Riotous assemblies forbidden.
- 1459. Disturbances of the peace—penalty.
- 1460. Sunday or other day—disturbance of peace on—penalty.
- 1461. Dramshops—disturbances in, forbidden.
- 1462. Martial music—when prohibited on Sunday.
- 1463. Disturbing religious worship—penalty.
- 1464. Disturbing lawful assembly—penalty.

SECTION.

- 1465. Whistles—what not to be blown.
- 1466. Penalty.
- 1467. False alarm of fire—penalty.
- 1468. Ringing bells for auction—penalty.
- 1469. Hand organs—prohibited.
- 1470. Carrying slungshots, etc.—penalty.
- 1471. Concealed weapons—carrying of, prohibited.
- 1472. Weapons may be worn by officers—when.

Sec. 1458. Riotous assemblies forbidden.—Any two persons who shall, in this city, assemble together, or, being assembled, shall act in concert to do any unlawful act with force or violence, against the property of

(p) The City of St. Louis may lawfully imprison the defendant for non-payment of a fine assessed against him for violation of an ordinance prohibiting the sale of lottery tickets. *Ex parte Kiburg*, 10 Mo. App. 442. Evidence that the defendant sold a slip of paper bearing certain numbers which represented the purchaser's title to a prize which might be drawn by such numbers in a lottery, or game of chance in the nature of a lottery, then intended to be drawn, is sufficient to sustain a conviction. *State v. Rothschild*, 19 Mo. App. 137; *State v. Hindman*, 4 Mo. App. 582. But the fact that the defendant sold a piece of paper containing certain numbers and that immediately after, when arrested, he was engaged in writing corresponding figures in a memorandum book, is not, in the absence of evidence that the paper represented a chance in a lottery, sufficient to support a conviction for selling lottery tickets. *State v. Russell*, 17 Mo. App. 16. And evidence that the defendant sold a paper containing certain figures, that he kept a memorandum of those figures in a book, that he had previously been engaged in the lottery business, and that a paper was found in his pocket headed "Result of race 48," is not sufficient to warrant a conviction for selling lottery tickets. *State v. Sellner*, 17 Mo. App. 39. To establish

the offense of selling a lottery ticket it is sufficient to show that the paper was bought and sold as a lottery ticket. *State v. Ochener*, 9 Mo. App. 216. In order to warrant a conviction for selling of tickets in a lottery, or device of the nature of a lottery, known as "policy," there must be some evidence that "policy" is a lottery or such a device. *State v. Norman*, 44 Mo. App. 306. And it is incumbent upon the state, in order to warrant a conviction, to introduce some evidence having a tendency to prove that the tickets sold entitled the buyer to a chance to acquire property having some value by lottery, or by a scheme or understanding similar to the lottery. *State v. Williams*, 44 Mo. App. p. 302. And there must be proof that the paper sold represented a share in a game of chance. *State v. Bruner*, 17 Mo. App. 274. Appellate courts will not take judicial notice that the words "drawing" and "Kentucky drawing" designate a game of chance. *State v. Bruner*, 17 Mo. App. 274. The evidence is sufficient to support a conviction for sale of lottery tickets, where it was shown that policy is a game of chance, in which 13 numbers out of 78 drawn win prizes, and that the defendant was engaged in selling tickets in such a scheme. *State v. Harmon*, 60 Mo. App. 48.

this city, or the person or property of another, or against the peace or to the terror of others, and shall make any movement or preparation therefor, and every person present at such meeting or assembly, who shall not endeavor to prevent the commission or perpetration of such unlawful act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than ten nor more than fifty dollars. (R. O. 1892, sec. 1035.)

Sec. 1459. Disturbances of the peace—penalty.—Any person who, in this city, shall disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct or carriage, or by loud and unusual noises, or by unseemly, profane, obscene or offensive language, calculated to provoke a breach of the peace, or by assaulting, striking or fighting another; or any person who, in this city, shall permit any such conduct in or upon any house or premises owned or possessed by them, or under their management or control, so that others in the vicinity are disturbed thereby, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than five nor more than five hundred dollars. (R. O. 1892, sec. 1036—q.)

Sec. 1460. Sunday or other day—disturbance of peace on — penalty. — Any person who shall, on Sunday or any other day of the week, disturb the peace by any noisy, riotous or disorderly conduct, in any park, street, alley, highway, thoroughfare, or other public place or public resort for pleasure or amusement or other purposes, or any person or persons who shall lounge, stand or loaf around or about, or at street corners, or other public places in the day or night time, or who shall use indecent, lewd or profane language on the public street or other public places, or who shall purchase or otherwise obtain any beer, wine or spirituous or malt liquors by the measure or in quantities greater than one-half pint and drink the same upon or on the public streets, alleys, parks, or other public thoroughfares or places in the city, shall be deemed guilty of a misdemeanor, and upon conviction thereof before either of the police justices, shall be fined in a sum of not less than five nor more than fifty dollars. The above provisions not to apply to workingmen drinking beer at lunch or dinner at their places of work. (R. O. 1892, sec. 991.)

Sec. 1461. Dram shops, disturbances in, forbidden.—Any keeper of a dram shop, beer house, or other place of public resort, who shall permit any breach of the peace or disturbance of public order or decorum, by noisy, riotous and disorderly conduct on his premises, when it was in his power to prevent it, or who shall sell any intoxicating drink to any person already intoxicated, shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined not less than twenty-five nor more than two hundred and fifty dollars. (R. O. 1892, sec. 992.)

Sec. 1462. Martial music—when prohibited on Sunday.—It shall not be lawful for any military company, or any procession, or any body of persons, accompanied with martial music, to march or pass through, or for any person to play on any musical instrument in any of the streets of the city, within one block of any house of worship, on Sunday during the hours of worship. Nor shall it be lawful for any band of music to play in the streets for any procession with advertising devices, or to move on said streets without a permit from the mayor; provided, that nothing herein contained shall prevent any military company, organized under the laws of the state, from parading with a band of music on any day except Sunday. Any person who shall violate this section shall be deemed

(q) An ordinance providing that "every person who shall willfully disturb the peace by loud or unusual noise, by blowing horns, trumpets, or other instruments, or by any other device or means whatsoever, shall be deemed

guilty of a misdemeanor," is not violated by parties engaged in a "charivari" unless the effect is to disturb the peace and quiet of the citizens or some of them. *St. Charles v. Meyer*, 58 Mo., 86.

guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not less than ten dollars nor more than fifty dollars for each and every offense. (R. O. 1892, sec. 1037.)

Sec. 1463. Disturbing religious worship, penalty.—Any person who shall, in this city, disquiet or disturb any congregation or assembly met for religious worship, by making a noise, or by rude or indecent behavior, or profane discourses within their place of worship, or so near the same as to disturb the order or solemnity of the meeting, shall be deemed guilty of a misdemeanor, and on conviction thereof, be fined not less than ten nor more than fifty dollars. (R. O. 1892, sec. 1038.)

Sec. 1464. Disturbing lawful assembly, penalty.—Any person who shall, in this city, disturb any lawful assemblage of people by rude and indecent behavior, or shall be found loitering at the corners of streets, or in the vicinity of any place of amusement, or hotel, or thoroughfare, and refuse to disperse or vacate such place when requested to do so by any police officer, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than five nor more than twenty-five dollars. (R. O. 1892, sec. 1039.)

Sec. 1465. Whistles, what not to be blown.—Hereafter, it shall not be lawful for the owner or owners, agents, lessees, supervisors, superintendents, workmen or employes, in any capacity, of any sawmill or factory of any kind, or of any machine shop or foundry, or mill of any kind, to blow, or sound, or cause or permit to be blown or sounded, for any purpose whatever, any steam whistle within the city, about or connected in any manner with any sawmill, factory of any kind, machine shop, foundry or mill of any kind, of which he or they are the owners, agents, supervisors, superintendents, workmen or employes. (R. O. 1892, sec. 1013.)

Sec. 1466. Penalty.—Any person offending against the next foregoing section shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined not less than five nor more than one hundred dollars, but this article shall not be so construed as to prevent the use of steam whistles on steamboats or locomotives within the city. (R. O. 1892, sec. 1014.)

Sec. 1467. False alarm of fire—penalty.—Any person who shall intentionally in this city give or make a false alarm of fire, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than fifty nor more than two hundred dollars. (R. O. 1892, sec. 1040.)

Sec. 1468. Ringing bells for auction—penalty.—Any person who shall, in this city, employ any bell man, or use, or cause to be used, any bell or other sounding instrument as means of attracting people to an auction or other place, or shall permit any such to be used, for or on his account, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than five nor more than fifty dollars. (R. O. 1892, sec. 1041.)

Sec. 1469. Hand organs—prohibited.—No license shall be granted to any person who shall carry about the streets any hand organ or other musical instrument for the purpose of playing music thereon, either on any street, alley or public highway, or in any house, for gain; and whoever shall carry such organ or instrument for such purpose, shall be deemed guilty of a misdemeanor; provided, that this section shall not be construed to refer to music required for a military parade, burial or other procession, or serenading party. (R. O. 1892, sec. 1042.)

Sec. 1470. Carrying slung shots, etc.—penalty.—Whenever there shall be found upon the person of any one who has been found guilty of a breach of the peace, or of conduct calculated to provoke a breach of the peace, any slung shot, colt, or knuckles of lead, brass or other metal; or when upon trial, evidence shall be adduced proving that such weapons were in the possession or on the person of any one while in the act of com-

mission of the acts aforesaid, such person shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than twenty-five dollars nor more than five hundred dollars. (R. O. 1892, sec. 1043.)

Sec. 1471. Concealed weapons—carrying of, prohibited.—Hereafter it shall not be lawful for any person to wear under his clothes, or concealed about his person, any pistol or revolver, colt, billy, slung shot, cross knuckles, or knuckles of lead, brass or other metal, bowie knife, razor, dirk knife, dirk, dagger, or any knife resembling a bowie knife or any other dangerous or deadly weapon, within the City of St. Louis, without written permission from the mayor; and any person who shall violate this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than ten nor more than five hundred dollars for each and every offense. (R. O. 1892, sec. 989—r.)

Sec. 1472. Weapons may be worn by officers, when.—Nothing in the next preceding section shall be so construed as to prevent any United States, state, county or city officer, or any member of the city government, from carrying or wearing such weapons as may be necessary in the proper discharge of his duties. (R. O. 1892, sec. 990.)

ARTICLE III.*

OF OFFENSES AFFECTING THE PUBLIC SAFETY.

SECTION

- 1473. Fast driving prohibited.
- 1474. Bells—use of in driving—when prohibited.
- 1475. Sleighs without bells—prohibited.
- 1476. Rules of the road on highways.
- 1477. Kite flying—when prohibited.
- 1478. Blasting—precautions required.
- 1479. Ball playing on highways prohibited.
- 1480. Purling horse, etc., penalty.
- 1481. Firearms loaded with powder and ball—
forbidden in theaters.
- 1482. Proprietors responsible.
- 1483. Minors—conditions of sale to of ammu-
nition.

SECTION.

- 1484. Penalty.
- 1485. Bridges—rate of speed in driving over.
- 1486. Notice to be posted.
- 1487. Bridges to what ordinance applies.
- 1488. Penalty.
- 1489. Cattle—hours for driving in streets.
- 1490. Cattle—regulations for driving.
- 1491. Police—duty of.
- 1492. Preceding sections construed.
- 1493. Cattle, hogs, etc., stray—disposition of.
- 1494. Impounded cattle, etc., to be sold.
- 1495. Duty of marshal as to estrays.
- 1496. Expenses—limitation of.

Sec. 1473. Fast driving—prohibited.—Any person who shall, in this city, ride or drive any animals in any highway, thoroughfare or public place, quicker than or beyond a moderate gait, or shall not slacken the pace of such animal or animals in approaching any crosswalk upon which any person may be in the act of crossing, or in the act of approaching or leaving a street car; or shall ride or drive any such animal so as to cause such animal or any vehicle thereto attached, to come in collision with or strike any other object or other person, or shall leave any such animal standing in any public place without being fastened or so guarded as to prevent its running away, or shall turn any such animal loose in any thoroughfare, or shall inhumanly, unnecessarily or cruelly beat, injure or otherwise abuse any dumb animal, shall be deemed guilty of a misdemeanor. R. O. 1892, sec. 1044—s.)

(r) St. Louis has power to enact ordinances against the carrying of concealed weapons. *St. Louis v. Vert*, 84 Mo. 204. An ordinance prohibiting the carrying of concealed weapons is not invalid because it fails to include certain exceptions included in the state laws provided as a defense against the charge. *Linnens v. Dusky*, 19 Mo. App. 20. A city ordinance prohibiting the carrying of concealed weapons is not void because it provides for a fine less than that fixed by a state statute. *Ex parte Caldwell*, 138 Mo. 233.

*See Article IX of Ch. XII.

(s) **Fast driving.**—An incorporated town is authorized by statute to prohibit by ordinance riding or driving in its streets faster than an ordinary trot, and to inflict a fine therefor. *Mealis v. Haywards*, 48 Ind. 19; 3 Dillon Mun. Corp. (3rd ed.), sec. 713. Persons driving in the streets of a city (in the absence of municipal regulation as to fast driving), are not limited to any particular rate of speed. They may drive slowly or rapidly, but they must use proper care and prudence so as not to cause injury to other persons lawfully upon the streets. *Crocker v. Knickerbocker Ice Co.*, 22 N. Y. 652; 12 Amer. & Eng. Ency. of Law, 92.