

*AN ORDINANCE TO AMEND THE CITY'S TRESPASSING ORDINANCE TO BE CONSISTENT WITH STATE STATUTES.*

**BE IT ORDAINED** by the Board of Aldermen of the City of Lamar, Missouri, as follows:

Section 1. Section 30-100 of the Code of Ordinances is hereby amended and shall hereafter provide as follows:

**Sec. 30-100. Trespass generally.**

A. A person commits the offense of **trespass in the first degree** if such person knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

B. A person does not commit the offense of trespass in the first degree 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.

C. In addition to the posting of real property as set forth in subsection A. the owner or lessee of any real property may post the property by placing identifying purple marks on trees or posts around the area to be posted. Each purple mark shall be:

(1) A vertical line of at least eight inches in length and the bottom of the mark shall be no less than three feet nor more than five feet high. Such marks shall be placed no more than one hundred feet apart and shall be readily visible to any person approaching the property; or

(2) A post capped or otherwise marked on at least its top two inches. The bottom of the cap or mark shall be not less than three feet but not more than five feet six inches high. Posts so marked shall be placed not more than thirty-six feet apart and shall be readily visible to any person approaching the property. Prior to applying a cap or mark which is visible from both sides of a fence shared by different property owners or lessees, all such owners or lessees shall concur in the decision to post their own property.

D. A person commits **trespass in the second degree** if such person enters unlawfully upon real property of another. This is an offense of absolute liability.

Section 2. This Ordinance shall be effective from and after its passage and approval.

Section 3. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**PASSED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Lamar, Missouri, this 20th day of September, 2021.

By \_\_\_\_\_  
MIKE HULL, Mayor

ATTEST:

By \_\_\_\_\_  
BEV BAKER, City Clerk