CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
Council Bill No. 2025-002 – AN ORDINANCE amending Chapter 82. Offenses and Miscellaneous Provisions, Section 82-50. Receiving Stolen Property.

MEETING DATE
March 17, 2025

ORIGINATING DEPARTMENT
Legal Department

ATTACHMENTS
Council Bill No. 2025-002

REVIEWED BY
City Attorney Peter Edwards; Police Chief Richard Pearson; and City Manager Nicholas Edwards.

SUMMARY
This Council Bill amends Section 82-50. Receiving Stolen Property by adding a subsection to include shopping carts and language describing shopping carts.

BACKGROUND
Stolen and abandoned shopping carts throughout the city constitute a public nuisance by creating blighted areas and at times present safety hazards and environmental concerns. This ordinance allows for criminal prosecution under receiving stolen property when and if a shopping cart is evidence of a crime.

FUNDING SOURCE
N/A

RECOMMENDATION
Staff recommends this Council Bill be approved on First Reading.

COUNCIL BILL NO. 2025-002 ORDINANCE NO.

AN ORDINANCE amending Chapter 82. Offenses and Miscellaneous Provisions, Section 82-50. Receiving Stolen Property.

WHEREAS, stolen and abandoned shopping carts on public or private property throughout the City constitute a public nuisance and a potential hazard to the health, safety, and welfare of the public by creating blighted areas in the community, obstructing free access to sidewalks, streets, and other public right-of-way, interfere with pedestrian and vehicular traffic, impede emergency services, and create impediments to the flow of water in drainage systems and other waterways; and

WHEREAS, it is the desire of the City Council to prevent the illegal removal of shopping carts from businesses, prioritize safety, and improve the image and appearance of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1: That Chapter 82. Offenses and Miscellaneous Provisions, Section 82-50. Receiving Stolen Property, is hereby amended as follows:

"Sec. 82.50. Receiving stolen property.

(a) A person commits the crime of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he or she receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

(b) Evidence of the following is admissible in any criminal prosecution pursuant to this section to prove the requisite knowledge or belief of the alleged receiver:

(1) That he or she was found in possession or control of other property stolen on separate occasions from two or more persons.

(2) That he or she received other stolen property in another transaction within the year preceding the transaction charged.

(3) That he or she acquired the stolen property for a consideration which he or she knew was far below the reasonable value.

(4) That he or she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.

(5) That he or she is in possession of any shopping cart which has a name or mark indicating ownership, or where the name or mark or serial number has been removed or altered, and is not on the premises of the owner or an adjacent parking area shall be presumed to be in possession of stolen property.

"Shopping cart" is defined as a basket mounted on wheels, or a similar device, generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

(c) Receiving stolen property is a misdemeanor and punishable as proscribed in section 1-5 of this Code."

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2025, by a vote of _____.

_____
Keenan T. Cortez, Sr., Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney