

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

CITY OF CAPE GIRARDEAU,	)	ED103593
MISSOURI,	)	
	)	Appeal from the Circuit Court
Respondent,	)	of Cape Girardeau County
	)	13CG-CR01274
v.	)	
	)	Honorable Craig D. Brewer
RICHARD KUNTZE,	)	
	)	
Appellant.	)	Filed: November 8, 2016

Richard Kuntze (Appellant) appeals the judgment of the trial court finding him guilty of the offense of creating a public nuisance, in violation of an ordinance of the City of Cape Girardeau (City). Appellant argues that the ordinance is vague and therefore the City failed to meet its burden of proof. Appellant also argues the ordinance is unconstitutional.

AFFIRMED.

Southern Division Holds: Appellant’s vehicle with two flat tires and license plate tags expiring in 2007 fell under definition of “inoperable vehicle” in City nuisance ordinance, which included vehicles that are “not registered or [are] improperly registered within the state.” The trial court did not err in finding Appellant guilty of a nuisance violation based on the citation stating that Appellant’s vehicle was inoperable due to “expired license plates,” because the vehicle was not currently registered through the process contained in Missouri state statutes, and Appellant received a seven-day notice before being cited for violation of the ordinance. The ordinance is not unconstitutionally vague, and it does not violate Appellant’s right to equal protection under the law because there is a rational basis for the City distinguishing between current license plate tags and expired tags in its nuisance ordinance.

Opinion by: Gary M. Gaertner, Jr., J.  
Philip M. Hess, C. J., and Lisa P. Page, J., concur.

Attorney for Appellant: Richard Kuntze, Pro Se  
Attorneys for Respondent: Stephen R. Southard and Gregory S. Young

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