WILDWOOD

Meeting of the

BOARD OF PUBLIC SAFETY

Thursday, February 4, 2016 at 6:30 p.m.

WILDWOOD CITY HALL

COMMUNITY ROOM

16860 Main Street

1. Roll Call

2. OLD BUSINESS

2.I. Cherry Hills Meadows Drive

Documents: CHERRY HILLS MEADOWS DRIVE.PDF, PETITION FOR STOP AT CHERRY HILLS MEADOW DRIVE.PDF

2.II. Wildwood Hunting Ordinance

Documents: RECONCILIATION OF HUNTING AND FIREARMS REGULATIONS.PDF

2.III. Emergency Response Database - Doctors, Nurses, Paramedics And Amateur Radio Operators – Update

2.IV. Speed Limit Reduction For Route 109

Documents: SPEED LIMIT REDUCTION FOR ROUTE 109.PDF

3. NEW BUSINESS

3.I. Parental Neglect Ordinance

Documents: PARENTAL NEGLECT ORDINANCE.PDF

4. BICYCLE ADVISORY COMMITTEE

4.I. No Items

5. NOT READY FOR ACTION

   5.I. Speed Cushions On Green Pines Drive

   5.II. Bicycling Safety Education

6. Other

   6.I. None

7. Adjournment

If you would like to submit a comment regarding an item on this meeting agenda, please visit the Form Center

WILDWOOD

MEMORANDUM

To: Board of Public Safety

From: Rick Brown, Director of Public Works

Date: February 1, 2016

Re: Cherry Hills Meadow Drive

As you know, at the December meeting of the Board of Public Safety, the issue of speeding traffic on Cherry Hills Meadows Drive was raised by residents who live along the street. After much discussion of potential solutions to address this concern, Marshall Garrett proposed continuing this agenda item in order to allow time to research traffic calming options such as speed cushions, speed humps and/or a raised median.

The Department has evaluated installing a raised median and speed cushions at this location. We believe such an installation is feasible and has the potential to slow traffic. See **Figures 1 and 2** for details of the proposed installation which would incorporate a raised 5' wide median with 6' by 12' speed cushions. The raised median would require that a vehicle remain in their lane and traverse the speed cushion. Larger emergency vehicles would be able to straddle the cushion. We believe the use of the speed cushions, in conjunction with the raised median, would be more effective than other installations which allow traffic to cross over the centerline to avoid the cushions.

For your consideration, the installation of a similar raised median (without speed cushions) was completed more recently in the Pointe Clayton subdivision. (Please refer to **Figure 3**.)

We believe that the raised median, with speed cushions, could be constructed for about $10,000.

I will be available for any questions or comments at the February 4th, 2016 Board of Public Safety Meeting.

RCB

Figure 1: Proposed Raised Median and Speed Cushion Location

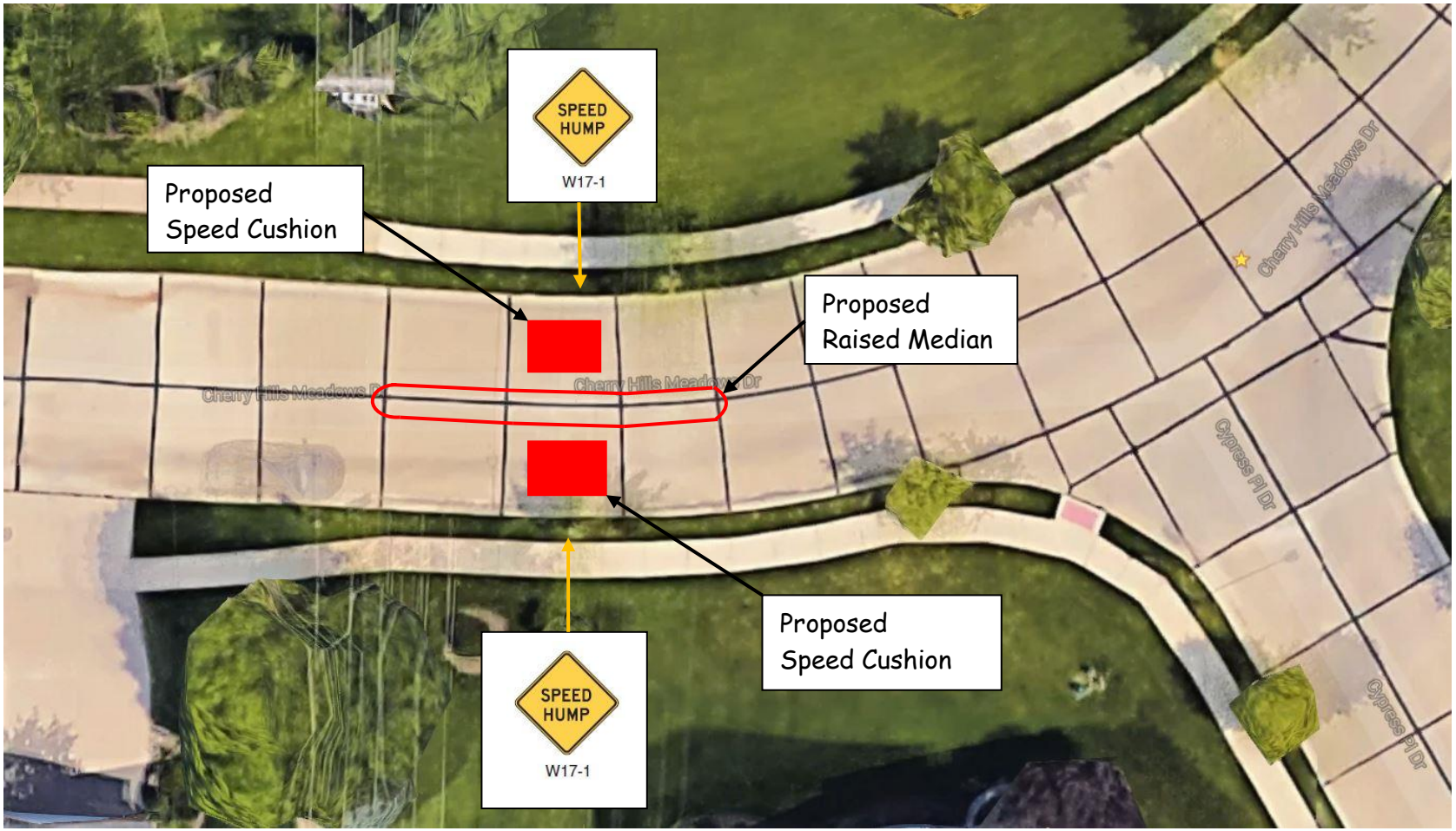

Figure 2: Proposed Raised Median and Speed Cushion Detail
(Plan View)

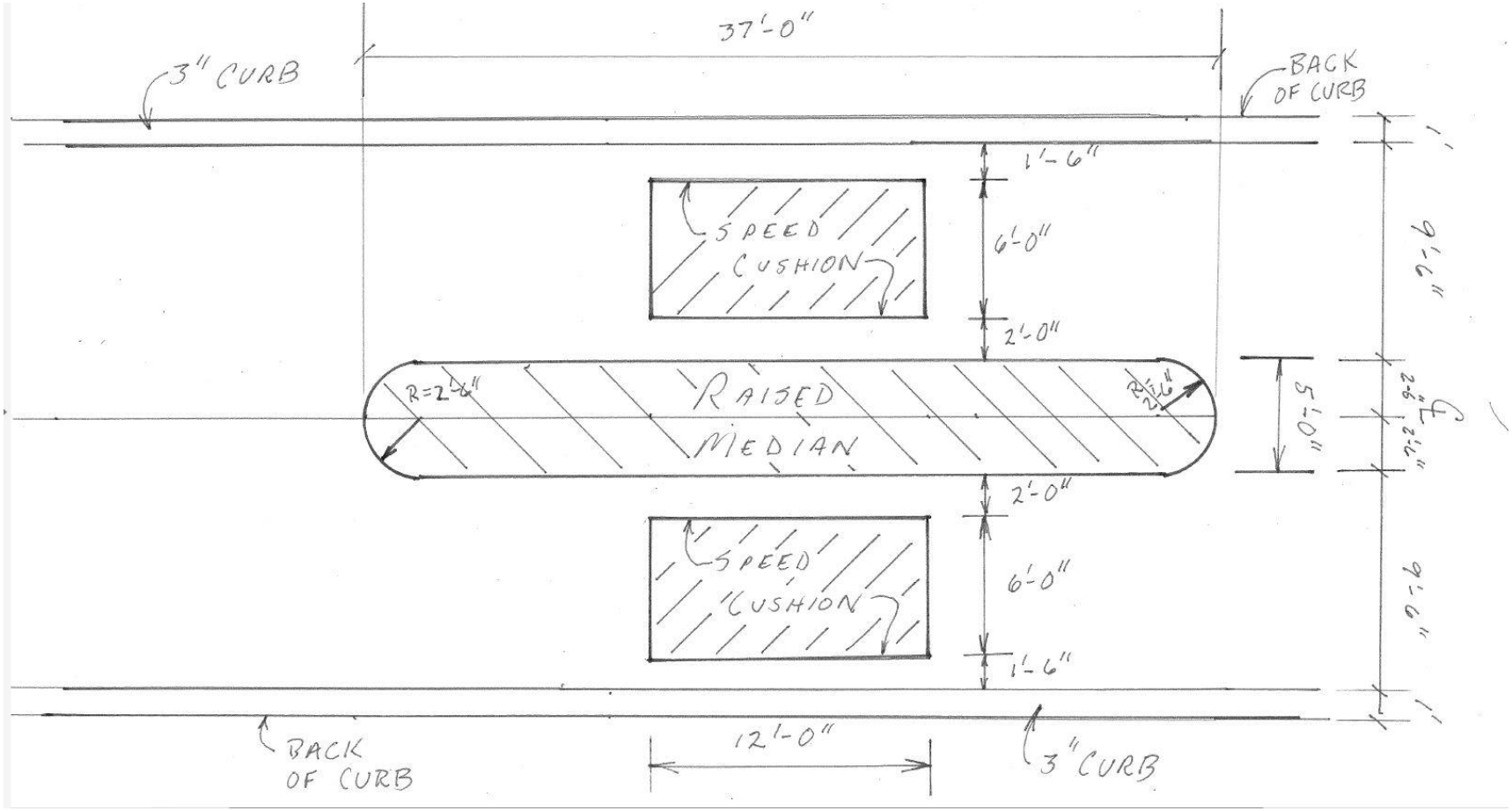

Figure 3: Existing Raised Median (without Speed Cushion) in Pointe Clayton Subdivision

Petition for STOP Sign

We, the residents of the Enclave of Cherry Hills, Wildwood, Mo petition the City of Wildwood to install a STOP sign between 319 and 305 Cherry Hills Meadows Dr. at the corner of Cypress Pl. due to the amount of traffic and the speed at which people drive.

There have been two accidents at 319 Cherry Hills Meadows this year within a 6 month period.
The first occurred February 8th. A 16 year old male, driving an SUV, traveled at a speed of approximately 50 mph (determined by the police). He drove on to the residence property, destroying a pin oak tree and mailbox. Damage was also done to the driveway where the vehicle flipped. Attached are pictures of the damages. The police report number 15-7506

The second accident occurred on a weekday evening in August. A 60 year old woman came around the same corner losing control, hitting the mailbox, sending parts across two lawns and rocks over the roof. In addition there was damage to the lawn and driveway. She then proceeded hitting the neighbor's trash cans across the street. She was finally stopped at the intersection of Old Fairway and Cherry Hills Meadows Dr. The police report number is 15-46842 and Officer Shawn Burley was the officer who arrived on the scene.

There have been three parked cars hit, one car was a total loss, within the last 18 months at 327 Cherry Hills Meadows. These were also caused from drivers driving too fast around the corner.

In addition, residences from the Meadows at Cherry Hills Subdivision come around this same corner at high speeds. There are children under the age of 16 living at 314 and 323 Cherry Hills Meadows Dr. who could be injured if they would run into the street. It is dangerous when backing out of 314,319 and 323 driveways as well. There always seems to be a car approaching fast around the corner that ends up right on top of you.

Name	Address	Phone #	Signature	Email address
PAT O'SHAUGHNESSY	319 CHERR HILLS M	636-273-3874	Pat O'Shaughnessy	POA P682@YAHOO.COM
Michael + Monica Jacobson	326 Cherry Hills Meadows	636 821-1318	M Jacobson	monica_michael@yahoo.com
BILL LEONARD	327 CHERRY HILLS MEADOWS	636-458-2493	William R. Leonard	WRL1@swbell.net
MATT MULLINAX	314 Cherry Hills	314-578-9442	[illegible]	[illegible]
Lynne Mullinax	314 Cherry Hills Meadows	314-564-6501	Lynne Mullinax	Lynnemullinax@gmail.com
Steve Coulter	323 Cherry Hills Meadows	636-346-1643	[illegible]	d.eselhve@yahoo.com
Paul Michael	332 Cypress Place	314-750 2402	Paul R Michael	prmich@sbcglobal.net
Angie Hallaman	305 Cherry Hills Meadows Dr	314-788-5836	Angie Hallaman	ahallaman@charter.net
Dana Bichert	299 Cherry Hills Meadows Dr.	314-665-3855	Dana Bichert	dana.bichert@sbcglobal.net

Petition for STOP Sign (continued)

Mike + Judy Vroman	1461 Cherry Valley Ct	636-458-7536	Judith H. Vroman	MIKEVROMAN@AOL.COM

WILDWOOD

MEMORANDUM

To: Administration/Public Works Committee Members

Cc: Mayor Woerther and Planning/Economic Development/Parks Committee Members

From: Ryan S. Thomas, City Administrator

Date: December 3, 2015

Re: Reconciliation of Hunting and Firearms Regulations

Background
As directed by the Committee, City Attorney Golterman has revised the City's Hunting and Firearms Regulations, to provide for a single code section specific to hunting for ease of understanding the City's hunting requirements, and a separate section specific to firearms. Additionally, the new firearms section has been updated to comply with current State statutes. Attached are both a clean version of the proposed Amended Code and a red-lined version identifying the changes.

Next Action
This information will be presented to the Board of Public Safety for their review at their December 10, 2015 Meeting, followed by a report back to the City Council for further consideration.

I will be available for any questions or comments at the December 8, 2015 Administration/Public Works Committee Meeting.

RST

Chapter 210. Offenses

Article VI. Hunting and Firearms Regulations

Section 210.220. Specific Prohibited Actions Related to Hunting.

[Ord. No. 109 §§1—3, 9-1-1995; Ord. No. 1511 §1, 5-12-2008; Ord. No. 1576 §1, 11-24-2008; Ord. No. 2057 §1, 11-10-2014]

A.

Definitions. As used in this Article, the following terms shall have these prescribed meanings:

AIR GUN

Any device designed to fire or discharge a projectile using compressed air or gas, including pneumatic guns, pellet guns, paintball guns or BB guns. Air guns in excess of twenty-two (.22) caliber shall be considered firearms for the purpose of this Article.

ARCHERY DEVICE

Any long bow or compound bow.

CROSSBOW

Any device designed to discharge a bolt, formed as a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by release of a trigger. A crossbow shall be considered a firearm for the purpose of this Article.

FIREARM

Any rifle, shotgun, pistol, muzzleloader or any similar device or mechanism by whatever name known which is designed to expel a projectile or projectiles by the action of an explosive. The term "firearm" shall not apply to air guns or devices designed and used exclusively for commercial, industrial or vocational purposes. The regulations contained within this Article shall not be applicable to Police Officers, military or other licensed security agents as regards the performance of their duties.

MUZZLELOADER

A firearm that is loaded from the muzzle capable of firing a single discharge each time it is loaded.

SHOTGUN

Any firearm designed to fire a number of shot or a single projectile through a barrel by a single function of the trigger.

B.

(Reserved)

[Ord. No. _____]

C.

Hunting Regulations.

1.

All current laws of the State of Missouri as regards to the regulation of hunting shall be obeyed within the corporate limits of Wildwood.

2.

All provisions of Section 210.225 shall apply to hunting within the corporate limits of Wildwood.

3.

Hunting of smaller game. It shall be unlawful to use any firearm other than a shotgun to take small game such as rabbits or squirrels or to take game such as water fowl or upland game birds.

4.

Hunter safety course required. All persons required to have taken a hunter safety course as prescribed by Missouri State law shall also be required to have such certificate of completion from the Missouri Department of Conservation in order to hunt within the corporate limits of Wildwood.

5.

License may be inspected. It is the duty of every person holding a hunting license and permit to submit the same for inspection by any agent of the Missouri Department of Conservation, Department of Natural Resources, St. Louis County Parks Department or any Police Officer or Marshal thereof.

6.

Regulations as to location of hunting.

a. It shall be unlawful for any person to hunt by firing or discharging any firearm, air gun, archery device or crossbow from or across any street, sidewalk, road, highway, park, playground or recreation area.

b. It shall be unlawful for any person to hunt by firing or discharging any firearm or air gun expelling a single solid projectile from any boat or other water vessel or across or into the Missouri or Meramec Rivers or any lake or reservoir.

c. It shall be unlawful for any person to knowingly hunt upon the premises or property of another without first having obtained the written permission from the owner, lessee or person in charge of such premises or property. The duly obtained written permission shall be carried in the personal possession of the person requesting and receiving such permission. This Subsection shall not apply to a person carrying, firing or discharging any firearm, air gun, archery device or crossbow while in the immediate presence of the owner, lessee or person in charge of the property or premises, or to the entry upon the premises for the sole purpose of obtaining written permission of the owner, lessee or person in charge of the property. This Subsection shall also not apply to a person with the sole purpose of carrying a concealed firearm and who is otherwise in compliance with Chapter 571, RSMo., regarding concealed carry endorsements.

d. It shall be at the discretion of the owner, lessee or person in charge of any premises or property to set the specific boundaries where a person may hunt using a firearm, air gun, archery device or crossbow. The specific boundaries must be otherwise in compliance with the provisions of this Section.

e. It shall be unlawful to hunt by firing or discharging any firearm within four hundred fifty (450) feet of any dwelling, house, apartment building, church, school, playground, recreational area or any building not owned by the person discharging the firearm, unless the person has written permission of the owner, lessee or person in charge of such premises or property; it shall be unlawful to hunt by firing or discharging an archery device within two hundred (200) feet of any dwelling, house, apartment building, church, school, playground, recreational area or any building not owned by the person discharging the archery device, unless the person has written permission of the owner, lessee or person in charge of such premises or property.

f. It shall be unlawful to hunt by firing or discharging any firearm or archery device on any parcel of land containing less than three (3) acres.

g. It shall be unlawful to hunt by firing or discharging a firearm other than a shotgun, muzzleloader, air gun (including in excess of twenty-two (.22) caliber) or crossbow on any property in the City east of Missouri State Route 109.

7.

Special hunts. Any special hunts permitted by the Missouri Department of Conservation or Department of Natural Resources or the St. Louis County Parks Department shall be permitted under this Section after obtaining approval of the City Council of the City of Wildwood.

D.

Penalties. Any person violating any provision of this Section shall, upon conviction, be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) or by imprisonment for not more than ninety (90) days, or both, for each offense.

<u>Section 210.225. Specific Prohibited Actions Related to Firearms.</u>

[Ord. No. _____]

A. Specific Acts – Prohibited.

It shall be unlawful for any person to:

1. Carry concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use except as may otherwise be provided by Missouri law; or

2. Set a spring gun; or

3. Discharge or shoot a firearm, air gun, archery device or crossbow into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in Section 302.010, RSMo., or any building or structure used for the assembling of people; or

4. Exhibit, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

5. Possess or discharge a firearm, air gun, archery device, crossbow or other projective weapon while intoxicated; or

6. Discharge a firearm, air gun, archery device or crossbow within one hundred (100) yards of any occupied schoolhouse, courthouse, or church building; or

7. Discharge or shoot a firearm, air gun, archery device or crossbow at a mark, at any object, or at random, on, along or across a public highway or discharge or shoot a firearm into any outbuilding; or

8. Carry a firearm, air gun, archery device, crossbow or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

9. Discharge or shoot a firearm, air gun, archery device or crossbow at or from a motor vehicle, as defined in Section 301.010, RSMo., discharge or shoot a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

10. Carry a firearm, whether loaded or unloaded, air gun, archery device, crossbow or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

11. Commit any act violating any provision set forth in Sections 571.010 through 571.150, RSMo., inclusive.

B. Exceptions.

1. Subdivisions (1), (3), (4), (6), (7), (8) (9) and (10) of Subsection A shall not apply to or affect any of the following:

    a. All state, county and municipal peace officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state whether such officers are within or outside their jurisdictions or on or off duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

    b. The discharge of firearms, air guns, archery devices or crossbows where necessary to protect life, livestock, crops or other property, the discharge of blank cartridges in theater performances or sporting events, and the firing of salutes by firing squads at military ceremonies;

    c. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

    d. Members of the armed forces or national guard while performing their official duty;

    e. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

    f. Any person whose bona fide duty is to execute process, civil or criminal;

    g. Any federal probation officer;

    h. Any state probation or parole officers, including supervisors and members of the board of probation and parole;

    i. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under Section 84.340, RSMo.;

    j. Any coroner, deputy coroner, medical examiner or assistant medical examiner;

    k. Any prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney, or person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection 2 of Section 571.111, RSMo.; and

    l. Any member of a fire department or fire protection district who is employed on a full time basis as a fire investigator and who has a valid concealed carry endorsement prior to August 28, 2013, or a valid concealed carry permit under

Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

2. Subdivisions (1), (5), (8) and (10) of Subsection A do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of Subsection A does not apply to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of Subsection A does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

3. Subdivisions (1), (8), and (10) of Subsection A shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

4. Subdivisions (3), (4), (5), (6) (7), (8), (9), and (10) of Subsection A shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.

5. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

C. Penalties.

1. Any person violating any provision of this Section shall, upon conviction, be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) or by imprisonment for not more than ninety (90) days, or both, for each offense.

2. Any person knowingly aiding or abetting any other person in the violation of Subdivision (9) of Subsection A of this Section shall be subject to the same penalty as that prescribed by this Section for violations by other persons.

D. Further Limitation.

1. The carrying of firearms in City buildings shall be further limited as follows:

a. No person who has been issued a concealed carry endorsement by the State of Missouri or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the City.

b. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the City stating that carrying of firearms is prohibited. Where the City owns, leases or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building stating that carrying of firearms is prohibited.

c. This Subsection shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges, or private dwellings owned, leased or controlled by the City.

d. Any person violating this Subsection may be denied entrance to the building or ordered to leave the building. Any City employee violating this Section may be disciplined. No other penalty shall be imposed for a violation of this Subdivision (d) only. Violations of all other Subdivisions shall be subject to the penalties set forth in Subsection C.

e. To the extent that the restrictions in this Section are in direct conflict with SB656 regarding the open carrying of firearms, then the provisions of SB656 shall govern; however, the restrictions of this Section shall be enforced to the fullest extent permitted by Missouri law. Furthermore, any person who is open carrying a firearm, shall also comply with the following provisions of SB656:

   Any person with a valid concealed carry endorsement or permit who is open carrying a firearm shall be required to have a valid concealed carry endorsement or permit from this state, or a permit from another state that is recognized by this state, in his or her possession at all times;

   Any person open carrying a firearm in such jurisdiction shall display his or her concealed carry endorsement or permit upon demand of a law enforcement officer;

   In the absence of any reasonable and articulable suspicion of criminal activity, no person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained by a law enforcement officer unless under arrest;

   Any person who violates this Subdivision shall be subject to the penalty provided in Section 571.121, RSMo.

Section 210.230. (Reserved)

(Reserved)

[Ord. No. _____]

Chapter 210. Offenses

Article VI. Hunting and Firearms Regulations

Section 210.220. Specific Prohibited Actions Related to Hunting.

[Ord. No. 109 §§1—3, 9-1-1995; Ord. No. 1511 §1, 5-12-2008; Ord. No. 1576 §1, 11-24-2008; Ord. No. 2057 §1, 11-10-2014]

A.

Definitions. As used in this ~~Section~~Article, the following terms shall have these prescribed meanings:

AIR GUN

Any device designed to fire or discharge a projectile using compressed air or gas, including pneumatic guns, pellet guns, paintball guns or BB guns. Air guns in excess of twenty-two (.22) caliber shall be considered firearms for the purpose of this Article.

ARCHERY DEVICE

Any long bow or compound bow.

CROSSBOW

Any device designed to discharge a bolt, formed as a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by release of a trigger. A crossbow shall be considered a firearm for the purpose of this Article.

FIREARM

Any rifle, shotgun, pistol, muzzleloader or any similar device or mechanism by whatever name known which is designed to expel a projectile or projectiles by the action of an explosive. The term "firearm" shall not apply to air guns or devices designed and used exclusively for commercial, industrial or vocational purposes. The regulations contained within this ~~Section~~Article shall not be applicable to Police Officers, military or other licensed security agents as regards the performance of their duties.

MUZZLELOADER

A firearm that is loaded from the muzzle capable of firing a single discharge each time it is loaded.

SHOTGUN

Any firearm designed to fire a number of shot or a single projectile through a barrel by a single function of the trigger.

B.

~~*Specific Actions — Prohibited.*~~

~~1.~~

~~It shall be unlawful for any person to sell, give, lend or otherwise transfer any firearm to any person sixteen (16) years of age or younger, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the person sixteen (16) years of age or younger or, in the case of a gift or loan, where such gift or loan is made with the consent of the parent or guardian of such person sixteen (16) years of age or younger.~~

~~2.~~

~~It shall be unlawful for any person sixteen (16) years of age or younger to carry any firearm on or in any public street, road, highway or park unless accompanied by a person twenty-one (21) years of age or older.~~

~~3.~~

~~It shall be unlawful for any person sixteen (16) years of age or younger to fire or discharge any firearm except while under the immediate personal supervision of his/her parent, guardian or any person twenty-one (21) years of age or older designated by the parent or guardian and who is supervising the firing or discharge of such firearm.~~

~~4.~~

~~It shall be unlawful for the parent or guardian or any person sixteen (16) years or younger in his/her charge or custody to knowingly permit any such person sixteen (16) years of age or younger to fire or discharge any firearm except if it be so done under the immediate personal supervision of said parent, guardian or a person twenty-one (21) years of age or older designated by the parent or guardian.~~

~~5.~~

~~It shall be unlawful for any person to fire or discharge a firearm, air gun, archery device or crossbow in such a manner so as to injure, wound or damage the person or property, real or personal, of another, or in such direction that any projectile expelled therefrom strikes, hits, enters or goes through any vehicle, dwelling, house, apartment, church, school or other building.~~

~~6.~~

~~It shall be unlawful for any person to fire or discharge any firearm, air gun, archery device or crossbow from or across any street, sidewalk, road, highway, park, playground or recreation area.~~

~~7.~~

~~It shall be unlawful for any person to knowingly fire or discharge any firearm, air gun, archery device or crossbow at or in the direction of any person, vehicle, dwelling, house, apartment, building, church, school or other building which is within range of the same.~~

~~8.~~

~~It shall be unlawful for any person to fire or discharge any firearm or air gun expelling a single solid projectile from any boat or other water vessel or across or into the Missouri or Meramec Rivers or any lake or reservoir.~~

~~9.~~

~~It shall be unlawful for any person carrying a firearm, air gun, archery device or crossbow to knowingly enter or go upon the premises or property of another, or to fire or discharge any firearm, air gun or archery device while on the premises or property of another without first having obtained the written permission from the owner, lessee or person in charge of such premises or property. The duly obtained written permission shall be carried in the personal possession of the person requesting and receiving such permission. This Subsection shall not apply to a person carrying, firing or discharging any firearm, air gun, archery device or crossbow while in the immediate presence of the owner, lessee or person in charge of the property or premises, or to the entry upon the premises for the sole purpose of obtaining written permission of the owner, lessee or person in charge of the property. This Subsection shall also not apply to a person with the sole purpose of carrying a concealed firearm and who is otherwise in compliance with Chapter 571, RSMo., regarding concealed carry endorsements.~~

~~10.~~

~~It shall be the discretion of the owner, lessee or person in charge of any premises or property to limit the type of firearm, air gun, archery device or crossbow which may be fired or discharged for any reason. The type of firearm, air gun, archery device or crossbow permitted by the owner, lessee or person in charge shall be stated in writing along with the permission to enter any such premises or property. Failure to comply with the written request of the property owner, lessee or person in charge as regards the firearm, air gun, archery device or crossbow shall be considered a violation of this Section.~~

~~11.~~

~~It shall be at the discretion of the owner, lessee or person in charge of any premises or property to set the parameters under which any person may fire or discharge a firearm, air gun, archery device or crossbow upon any such premises or property under the control of the owner, lessee, or person in charge. The parameters to fire or discharge a firearm, air gun, archery device or crossbow must be otherwise in compliance with the provisions of this Section.~~

~~12.~~

~~It shall be unlawful to fire or discharge any firearm within four hundred fifty (450) feet of any dwelling, house, apartment building, church, school, playground, recreational area or any building not owned by the person discharging the firearm, unless the person has written~~

~~permission of the owner, lessee or person in charge of such premises or property; it shall be unlawful to fire or discharge an archery device within two hundred (200) feet of any dwelling, house, apartment building, church, school, playground, recreational area or any building not owned by the person discharging the archery device, unless the person has written permission of the owner, lessee or person in charge of such premises or property.~~

~~13.~~

~~It shall be unlawful to fire or discharge at any time any firearm or archery device on any parcel of land containing less than three (3) acres, except to fire or discharge an archery device at a fixed target (for target practice purposes) located at least two hundred (200) feet from any dwelling, house, apartment building, church, school, playground, recreational area or any building not owned by the person discharging the archery device.~~

~~14.~~

~~It shall be unlawful to fire or discharge at any time a firearm other than a shotgun, muzzleloader, air gun (including in excess of twenty-two (.22) caliber) or crossbow on any property in the City east of Missouri State Route 109.~~

~~15.~~

~~It shall be unlawful to commit any act violating any provision set forth in Sections 571.010 through 571.150, RSMo., inclusive.~~

(Reserved)

[Ord. No. _____]

C.

Hunting Regulations.

1.

All current laws of the State of Missouri as regards to the regulation of hunting shall be obeyed within the corporate limits of Wildwood.

2.

All provisions of ~~Subsection **(B)** of this~~ Section 210.225 shall apply to hunting within the corporate limits of Wildwood.

3.

Hunting of smaller game. It shall be unlawful to use any firearm other than a shotgun to take small game such as rabbits or squirrels or to take game such as water fowl or upland game birds.

4.

Hunter safety course required. All persons required to have taken a hunter safety course as prescribed by Missouri State law shall also be required to have such certificate of completion from the Missouri Department of Conservation in order to hunt within the corporate limits of Wildwood.

5.

License may be inspected. It is the duty of every person holding a hunting license and permit to submit the same for inspection by any agent of the Missouri Department of Conservation, Department of Natural Resources, St. Louis County Parks Department or any Police Officer or Marshal thereof.

6.

Regulations as to location of hunting.

a. It shall be unlawful for any person to hunt by firing or discharging any firearm, air gun, archery device or crossbow from or across any street, sidewalk, road, highway, park, playground or recreation area.

b. It shall be unlawful for any person to hunt by firing or discharging any firearm or air gun expelling a single solid projectile from any boat or other water vessel or across or into the Missouri or Meramec Rivers or any lake or reservoir.

c. It shall be unlawful for any person to knowingly hunt upon the premises or property of another without first having obtained the written permission from the owner, lessee or person in charge of such premises or property. The duly obtained written permission shall be carried in the personal possession of the person requesting and receiving such permission. This Subsection shall not apply to a person carrying, firing or discharging any firearm, air gun, archery device or crossbow while in the immediate presence of the owner, lessee or person in charge of the property or premises, or to the entry upon the premises for the sole purpose of obtaining written permission of the owner, lessee or person in charge of the property. This Subsection shall also not apply to a person with the sole purpose of carrying a concealed firearm and who is otherwise in compliance with Chapter 571, RSMo., regarding concealed carry endorsements.

d. It shall be at the discretion of the owner, lessee or person in charge of any premises or property to set the specific boundaries where a person may hunt using a firearm, air gun, archery device or crossbow. The specific boundaries must be otherwise in compliance with the provisions of this Section.

e. It shall be unlawful to hunt by firing or discharging any firearm within four hundred fifty (450) feet of any dwelling, house, apartment building, church, school, playground, recreational area or any building not owned by the person discharging the firearm, unless the person has written permission of the owner, lessee or person in charge of such premises or property; it shall be unlawful to hunt by firing or discharging an archery device within two hundred (200) feet of any dwelling, house, apartment building, church, school, playground, recreational area or any building not owned by the person discharging

the archery device, unless the person has written permission of the owner, lessee or person in charge of such premises or property.

f. It shall be unlawful to hunt by firing or discharging any firearm or archery device on any parcel of land containing less than three (3) acres.

g. It shall be unlawful to hunt by firing or discharging a firearm other than a shotgun, muzzleloader, air gun (including in excess of twenty-two (.22) caliber) or crossbow on any property in the City east of Missouri State Route 109.

7.

Special hunts. Any special hunts permitted by the Missouri Department of Conservation or Department of Natural Resources or the St. Louis County Parks Department shall be permitted under this Section after obtaining approval of the City Council of the City of Wildwood.

D.

~~*Exceptions.* The provisions of Subsection **(B)** of this Section shall not apply to the discharge of firearms, air guns, archery devices or crossbows where necessary to protect life, livestock, crops or other property, nor to any Peace Officer acting in the discharge of his/her official duties, nor to the discharge of blank cartridges in theater performances or sporting events, nor to the firing of salutes by firing squads at military ceremonies.~~

~~E.~~

Penalties. Any person violating any provision of this Section shall, upon conviction, be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) or by imprisonment for not more than ninety (90) days, or both, for each offense.

Section 210.225. Specific Prohibited Actions Related to Firearms.

[Ord. No. _____]

A. Specific Acts – Prohibited.

It shall be unlawful for any person to:

1. Carry concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use except as may otherwise be provided by Missouri law; or

2. Set a spring gun; or

3. Discharge or shoot a firearm, air gun, archery device or crossbow into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in Section 302.010, RSMo., or any building or structure used for the assembling of people; or

4. Exhibit, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

5. Possess or discharge a firearm, air gun, archery device, crossbow or other projective weapon while intoxicated; or

6. Discharge a firearm, air gun, archery device or crossbow within one hundred (100) yards of any occupied schoolhouse, courthouse, or church building; or

7. Discharge or shoot a firearm, air gun, archery device or crossbow at a mark, at any object, or at random, on, along or across a public highway or discharge or shoot a firearm into any outbuilding; or

8. Carry a firearm, air gun, archery device, crossbow or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

9. Discharge or shoot a firearm, air gun, archery device or crossbow at or from a motor vehicle, as defined in Section 301.010, RSMo., discharge or shoot a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

10. Carry a firearm, whether loaded or unloaded, air gun, archery device, crossbow or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

11. Commit any act violating any provision set forth in Sections 571.010 through 571.150, RSMo., inclusive.

B. Exceptions.

1. Subdivisions (1), (3), (4), (6), (7), (8) (9) and (10) of Subsection A shall not apply to or affect any of the following:

    a. All state, county and municipal peace officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state whether such officers are within or outside their jurisdictions or on or off duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

    b. The discharge of firearms, air guns, archery devices or crossbows where necessary to protect life, livestock, crops or other property, the discharge of blank cartridges in theater performances or sporting events, and the firing of salutes by firing squads at military ceremonies;

c. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

d. Members of the armed forces or national guard while performing their official duty;

e. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

f. Any person whose bona fide duty is to execute process, civil or criminal;

g. Any federal probation officer;

h. Any state probation or parole officers, including supervisors and members of the board of probation and parole;

i. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under Section 84.340, RSMo.;

j. Any coroner, deputy coroner, medical examiner or assistant medical examiner;

k. Any prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney, or person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection 2 of Section 571.111, RSMo.; and

l. Any member of a fire department or fire protection district who is employed on a full time basis as a fire investigator and who has a valid concealed carry endorsement prior to August 28, 2013, or a valid concealed carry permit under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

2. Subdivisions (1), (5), (8) and (10) of Subsection A do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of Subsection A does not apply to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of Subsection A does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

3. Subdivisions (1), (8), and (10) of Subsection A shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

4. Subdivisions (3), (4), (5), (6) (7), (8), (9), and (10) of Subsection A shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.

5. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

C. Penalties.

1. Any person violating any provision of this Section shall, upon conviction, be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) or by imprisonment for not more than ninety (90) days, or both, for each offense.

2. Any person knowingly aiding or abetting any other person in the violation of Subdivision (9) of Subsection A of this Section shall be subject to the same penalty as that prescribed by this Section for violations by other persons.

D. Further Limitation.

1. The carrying of firearms in City buildings shall be further limited as follows:

    a. No person who has been issued a concealed carry endorsement by the State of Missouri or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the City.

    b. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the City stating that carrying of firearms is prohibited. Where the City owns, leases or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building stating that carrying of firearms is prohibited.

    c. This Subsection shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges, or private dwellings owned, leased or controlled by the City.

d. Any person violating this Subsection may be denied entrance to the building or ordered to leave the building. Any City employee violating this Section may be disciplined. No other penalty shall be imposed for a violation of this Subdivision (d) only. Violations of all other Subdivisions shall be subject to the penalties set forth in Subsection C.

e. To the extent that the restrictions in this Section are in direct conflict with SB656 regarding the open carrying of firearms, then the provisions of SB656 shall govern; however, the restrictions of this Section shall be enforced to the fullest extent permitted by Missouri law. Furthermore, any person who is open carrying a firearm, shall also comply with the following provisions of SB656:

Any person with a valid concealed carry endorsement or permit who is open carrying a firearm shall be required to have a valid concealed carry endorsement or permit from this state, or a permit from another state that is recognized by this state, in his or her possession at all times;

Any person open carrying a firearm in such jurisdiction shall display his or her concealed carry endorsement or permit upon demand of a law enforcement officer;

In the absence of any reasonable and articulable suspicion of criminal activity, no person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained by a law enforcement officer unless under arrest;

Any person who violates this Subdivision shall be subject to the penalty provided in Section 571.121, RSMo.

Section 210.230. (Reserved)

(Reserved)

[Ord. No. _____]

WILDWOOD

MEMORANDUM

To: Board of Public Safety

From: Rick Brown, Director of Public Works

Date: December 8, 2015

Re: Route 109 – Reduced Speed Limit

The Department was recently notified by the Missouri Department of Transportation of the results of a recent speed study that was completed for a section of Route 109. MoDOT completed speed study measurements earlier this year on Route 109, primarily in response to the completion of roadway improvements between Route 100 to Route 109.

Based on the study, MoDOT is proposing to reduce the speed limit on Route 109 from 45 mph to 40 mph between Shepard Road to New College Avenue. MoDOT is requesting that the City enact an ordinance enabling the speed limit reduction.

Recommendation:

The Department supports MoDOT's request to reduce the speed limit and recommends proceeding with the development of the enabling ordinance.

With the Board's approval of this matter, the Department will develop the enabling ordinance to be submitted to the City Council at their next meeting.

Attached is the letter from MoDOT that the City received requesting the ordinance.

I will be available for any questions or comments at the December 10, 2015 Board of Public Safety Meeting.

RCB

MoDOT

Missouri Department of Transportation

St. Louis District
Gregory J. Horn, District Engineer

1590 Woodlake Drive
Chesterfield, Missouri 63017-5712
314.275.1500
Fax: 573.522.6475
1.888.ASK MODOT (275.6636)

November 2, 2015

Mr. Rick Brown, PE, PTOE
Director of Public Works / City Engineer
City of Wildwood
16860 Main Street
Wildwood, MO 63040

RE: Missouri Route 109
Speed Limit

Dear Mr. Brown,

The Missouri Department of Transportation has reviewed the speed limit of Route 109 from BA to New College Avenue. The section of roadway between Shepard Road and New College Avenue qualifies for a speed limit of 40 MPH. Currently the posted speed limit is 45 MPH. MoDOT would like to request that the City of Wildwood pass an ordinance to have the speed limit reduced to 40 MPH.

Please advise if this request is granted, and if so, please send a copy of the new ordinance to my attention at 601 Salt Mill Road, Chesterfield, MO 63017. At that time I will issue a work order to have the speed limit signs changed.

If you have any questions or comments, I can be reached at Jeanette.Ruggeri@modot.mo.gov or at 314-565-6719.

Sincerely,

Jeanette Ruggeri

Jeanette Ruggeri
Senior Traffic Studies Specialist
Missouri Department of Transportation
SouthWest St. Louis County
jeanette.ruggeri@modot.mo.gov

WILDWOOD

INTER-OFFICE MEMORANDUM

January 27, 2016

TO: MR. RYAN THOMAS, City Administrator
City of Wildwood

FROM: CAPTAIN TIM TANNER, Commander
Wildwood Precinct

SUBJECT: PARENTAL NEGLECT ORDINANCE (210.040)

The intent of this memorandum is to request that the current City of Wildwood Parental Neglect Ordinance (210.040) be repealed and or amended.

The current Parental Neglect Ordinance was adopted from St. Louis County (Section 716.176) on September 1, 1995. Effective November 10, 2010, St. Louis County repealed and re-enacted Section 716.176 pertaining to Parental Neglect and Child Endangerment.

The City of Wildwood Prosecuting Attorney Bart Calhoun has indicated that the City of Wildwood Parental Neglect Ordinance (210.040) in its current form may not withstand the legal review on appeal.

It is recommended that the current Parental Neglect Ordinance (210.040) be repealed and re-enacted similar to the current St. Louis County Ordinance (716.176) titled Child Endangerment.

Attachments: City of Wildwood Parental Neglect Ordinance (210.040)
St. Louis County Child Endangerment Ordinance (716.176)
RSMO 568.050 Endangering the Welfare of a Child

CITY OF WILDWOOD PARENTAL NEGLECT ORDINANCE

Section 210.040 Parental Neglect — Prohibited.
[Ord. No. 101 §1, 9-1-1995]

A. *Definitions.* For the purpose of this Section, the following words and phrases are defined as follows:

CRIMINAL ACT
An act which violates the Statutes of the United States, the Statutes of the State of Missouri or the ordinances of the City of Wildwood, including moving traffic violations.

MINOR
Any person under the age of seventeen (17).

PARENT
Mother, father, legal guardian or any person having the care or custody of a minor.

B. No parent shall knowingly permit, encourage, aid or cause a minor to commit a criminal act nor engage in any conduct which would be injurious to the minor's morals or health.

C. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit a criminal act.

D. *Notification Of Responsibility.*

1. Whenever a minor shall be arrested or detained for the commission of any criminal act within the City of Wildwood the Police Department shall immediately notify the minor's parent of the arrest or detention and shall advise the parent of his/her responsibility under this Section.

2. A record of said notifications shall be kept by the Police Department.

24557.docx

/Ords/2010

11/10/2010 21k 10 hits

Substitute Bill No. 1 for

BILL NO. 294, 2010

ORDINANCE NO. 24,557, 2010

Introduced by Councilmembers Fraser & Wasinger

AN ORDINANCE

AMENDING CHAPTER 716, TITLE VII SLCRO 1974 AS AMENDED, "PETTY OFFENSES CODE," BY REPEALING AND RE-ENACTING SECTION 716.176 PERTAINING TO PARENTAL NEGLECT AND CHILD ENDANGERMENT.

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 716, Title VII SLCRO 1974 as amended, "Petty Offenses Code," is amended by repealing and re-enacting Section 716.176 as follows:
716.176 Child Endangerment – Prohibited.-1. A person commits the offense of endangering the welfare of a child if:

(1) He or she knowingly acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old; or

(2) He or she knowingly permits, encourages, aids or causes a child less than seventeen (17) years old to commit an act which violates the statutes of the United States, the statutes of the State of Missouri or the ordinances of St. Louis County; or

(3) He or she operates a vehicle in violation of Subdivision (2) or (3) of Subsection 1 of Section 565.024 RSMo, Subdivision (4) of Subsection 1 of Section 565.060 RSMo, Section 577.010 RSMo, Section 577.012 RSMo, or Sections 1212.010 or 1212.015 of this Code, while knowing that a child less than seventeen years old is present in the vehicle.

(4) He or she unlawfully possesses, sells, manufactures or uses any controlled substance or drug paraphernalia as each is defined by Chapter 195 RSMo, in violation of the statutes of the United

States, the statutes of the State of Missouri or Sections 716.170 or 716.172 of this Code, while knowing that a child less than seventeen years old is present;

2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.

[Section 716.176 Parental Neglect Prohibited. -1. Definitions –
For the purposes of this ordinance the following words and phrases are defined as follows:

(1) Parent: Mother, father, legal guardian or any person having the care or custody of a minor.
(2) Minor: Any person under the age of seventeen (17).
(3) Criminal Act: An act which violates the statutes of the United States, the statutes of the State of Missouri or the ordinances of St. Louis County, including moving traffic violations.

2. No parent shall knowingly permit, encourage, aid or cause a minor to commit a criminal act nor engage in any conduct which would be injurious to the minor's morals or health.
3. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit a criminal act.
4. Notification of responsibility –

(1) Whenever a minor shall be arrested or detained for the commission of any criminal act within the unincorporated part of St. Louis County, the St. Louis County Police Department shall immediately notify the minor's parent of the arrest or detention and shall advise the parent of his responsibility under this ordinance.

(2) A record of said notifications shall be kept by the St. Louis County Police Department.]

SECTION 2. Every person found guilty of violating any of the sections of this ordinance shall be punished as provided in Section 716.180 SLCRO 1974 as amended. Note – Under certain circumstances this offense can be a felony under state law.

ADOPTED: NOVEMBER 9, 2010 BARBARA FRASER
CHAIR, COUNTY COUNCIL

APPROVED: NOVEMBER 10, 2010 CHARLIE A. DOOLEY
COUNTY EXECUTIVE

ATTEST: GENEVIEVE M. FRANK
ADMINISTRATIVE DIRECTOR

APPROVED AS TO LEGAL FORM:

Patricia Redington
COUNTY COUNSELOR

ST. LOUIS COUNTY CHILD ENDANGERMENT AND RELATED ORDINANCES

716.176 - Child Endangerment—Prohibited.

1. A person commits the offense of endangering the welfare of a child if:
   (1) He or she knowingly acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old; or
   (2) He or she knowingly permits, encourages, aids or causes a child less than seventeen (17) years old to commit an act which violates the statutes of the United States, the statutes of the State of Missouri or the ordinances of St. Louis County; or
   (3) He or she operates a vehicle in violation of Subdivision (2) or (3) of subsection 1 of section 565.024 RSMo, subdivision (4) of subsection 1 of section 565.060 RSMo, section 577.010 RSMo, section 577.012 RSMo, or section 1212.010 or 1212.015 of this Code, while knowing that a child less than seventeen (17) years old is present in the vehicle.
   (4) He or she unlawfully possesses, sells, manufactures or uses any controlled substance or drug paraphernalia as each is defined by chapter 195 RSMo, in violation of the statutes of the United States, the statutes of the state or section 716.170 or 716.172 of this Code, while knowing that a child less than seventeen (17) years old is present;
2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.

(O. No. 24557, 11-9-10)

1212.010 - Driving While Intoxicated.

No person shall operate a motor vehicle while:(a) under the influence of alcohol; or (b) under the influence of any controlled substance as defined by RSMo Chapter 195; or (c) under the influence of model glue or any substance containing toluene, or (d) under the influence of any combination of alcohol and controlled substances, to such extent as to impair the person of full possession of normal faculties.
(O. No. 16148, 10-1-92)

1212.015 - Driving with Excessive Blood Alcohol Content.

1. No person shall operate a motor vehicle upon the highways and roadways of St. Louis County with a blood alcohol content of eight one-hundredths (0.08) of one percent or more by weight of alcohol in his or her blood.
2. No person shall operate a commercial vehicle while having an alcohol concentration in his or her blood, breath, urine, or saliva of four one-hundredths (0.04) of one percent or more.
   As used in this section, the term "commercial motor vehicle" shall mean any motor vehicle designed or used to transport passengers or property if:

a) The vehicle has a gross combination weight rating of twenty-six thousand one (26,001) or more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand (10,000) pounds; or

(b) The vehicle has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds; or

(c) The vehicle is designed to transport more than fifteen (15) passengers, including the driver; or

(d) The vehicle is transporting hazardous materials as defined in section 302.700 of the Revised Statutes of Missouri.

3. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with provisions of sections 577.020 to 577.041 of the Revised Statutes of Missouri.

(O. No. 20669, 10-16-01)

716.170 - Drugs—Prohibited.

1. A person shall not have in his possession, custody, or control any narcotic drug or marijuana as each is defined by the laws of the State of Missouri.
2. A person shall not sell, offer for sale, prescribe, administer, dispense, distribute, give, or offer to give to any person a narcotic drug or marijuana as defined by the laws of the State of Missouri.
3. This section shall not apply to any person who may be specifically authorized by law to possess, sell, prescribe, administer, dispense, distribute or give away a narcotic drug or marijuana.

(O. No. 8573, 2-3-78)

716.172 - Possession, Manufacture, Delivery and Advertising Drug Paraphernalia.

1. No person shall use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act.
2. No person shall deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act.
3. No person shall place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(O. No. 10116, 3-2-81)

716.180 - Penalties.

Every person who shall be convicted of a violation of any of the provisions of this chapter shall be fined not more than one thousand dollars ($1,000.00) or imprisoned in the St. Louis County Jail for not more than one year, or punished by both such fine and imprisonment.

(O. No. 3729, 10-28-65)

Revisor's note—The revisor has supplied the word "punished" in the last clause of Section 716.180.

716.171 - Definitions for Section 716.172.

For the purpose of Section 716.172, the following phrases are defined:

1. Controlled Substance as used herein shall be defined and include "Controlled Substances" as defined in and enumerated by authority of the Controlled Substances Act.
2. Controlled Substances Act means Chapter 195 of the Missouri Revised Statutes in effect upon the passage of this ordinance.
3. Drug Paraphernalia as used herein shall be defined and include all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Controlled Substances Act. It includes, but is not limited to:
   a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
   b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
   c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
   d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
   e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
   f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
   g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
   h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
   i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
   j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

k) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
   1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
   2. Water pipes;
   3. Carburetion tubes and devices;
   4. Smoking and carburetion masks;
   5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
   6. Miniature cocaine spoons, and cocaine vials;
   7. Chamber pipes;
   8. Carburetor pipes;
   9. Electric pipes;
   10. Air-driven pipes;
   11. Chillums;
   12. Bongs;
   13. Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or by anyone in control of the object concerning its use;
(b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any State of Federal Law relating to any controlled substance;
(c) The proximity of the object, in time and space, to a direct violation of the Controlled Substances Act;
(d) The proximity of the object to controlled substances;
(e) The existence of any residue of controlled substances on the object;
(f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the Controlled Substances Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the Controlled Substances Act shall not prevent a finding that the object is intended for use as drug paraphernalia;
(g) Instructions, oral or written provided with the object concerning its use;
(h) Descriptive materials accompanying the object which explain or depict its use;
(i) National and local advertising concerning its use;
(j) The manner in which the object is displayed for sale;
(k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
(l) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
(m) The existence and scope of legitimate uses for the object in the community;
(n) Expert testimony concerning its use.

(O. No. 10116, 3-2-81)

Missouri Revised Statutes

Chapter 568
Offenses Against the Family

←568.050

Section 568.050.2

568.052→

August 28, 2015

Until December 31, 2016--Endangering the welfare of a child in the second degree.

568.050. 1. A person commits the crime of endangering the welfare of a child in the second degree if:

(1) He or she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years old; or

(2) He or she knowingly encourages, aids or causes a child less than seventeen years old to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

(3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years old, he or she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him from coming within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

(4) He or she knowingly encourages, aids or causes a child less than seventeen years of age to enter into any room, building or other structure which is a public nuisance as defined in section 195.130; or

(5) He or she operates a vehicle in violation of subdivision (2) or (3) of subsection 1 of section 565.024, subdivision (4) of subsection 1 of section 565.060, section 577.010, or section 577.012 while a child less than seventeen years old is present in the vehicle.

2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.

3. Endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony.

(L. 1977 S.B. 60, A.L. 1984 H.B. 1616, A.L. 1988 H.B. 1340 & 1348, A.L. 1990 H.B. 1030 merged with H.B. 1370, et al., A.L. 2005 H.B. 353 and H.B. 972 merged with S.B. 37, et al., A.L. 2005 1st Ex. Sess. H.B. 2)

Effective 9-15-05

*This section was amended by S.B. 491, 2014, effective 1-01-17. Due to the delayed effective date, both versions of this section are printed here.

2005

Top

Missouri General Assembly

Copyright © Missouri Legislature, all rights reserved.

Missouri Revised Statutes

Chapter 568
Offenses Against the Family

←568.045

Section 568.050.1

568.050→

August 28, 2015

Beginning January 1, 2017--Endangering the welfare of a child in the second degree, penalties.

568.050. 1. A person commits the offense of endangering the welfare of a child in the second degree if he or she:

(1) With criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years of age; or

(2) Knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

(3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years of age, recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him or her from coming within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

(4) Knowingly encourages, aids or causes a child less than seventeen years of age to enter into any room, building or other structure which is a public nuisance as defined in section 579.105.

2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.

3. The offense of endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, in which case the offense is a class E felony.

(L. 1977 S.B. 60, A.L. 1984 H.B. 1616, A.L. 1988 H.B. 1340 & 1348, A.L. 1990 H.B. 1030 merged with H.B. 1370, et al., A.L. 2005 H.B. 353 and H.B. 972 merged with S.B. 37, et al., A.L. 2005 1st Ex. Sess. H.B. 2, A.L. 2014 S.B. 491)

Effective 1-01-17

2005	2005	2005	2005

Top

Missouri General Assembly

Copyright © Missouri Legislature, all rights reserved.