

AN ORDINANCE AMENDING CHAPTER 210, ARTICLE VI, OF THE WILDWOOD MUNICIPAL CODE RELATING TO HUNTING AND FIREARMS REGULATIONS

WHEREAS, the City’s Board of Public Safety has recommended certain amendments to the City of Wildwood Hunting and Firearms Regulations, for the purpose of separating the regulations specific to hunting, and to update the general firearms regulations to conform with current State law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, AS FOLLOWS:

Section One. Chapter 210, Article VI, of the Municipal Code is hereby repealed in its entirety and replaced with a new Article VI, entitled “Hunting and Firearms Regulations,” Sections 210.220 to 210.230, to read as follows:

Article VI. Hunting and Firearms Regulations

Section 210.220. Specific Prohibited Actions Related to Hunting.

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)

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 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.

Section 210.225. Specific Prohibited Actions Related to Firearms.

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)

Section Two. This Ordinance shall be in full force and effect both from and after its passage and approval.

This Bill was passed and approved this _____ day of _____, 2016, by the Council of the City of Wildwood, Missouri after having been read by title or in full two times prior to passage.

Presiding Officer

Timothy Woerther, Mayor

ATTEST:

ATTEST:

City Clerk

City Clerk