

FIRST REGULAR SESSION

SENATE BILL NO. 170

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

0454S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof one new section relating to county regulations, with an existing penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 49.266 as enacted by senate bill no. 2 672, ninety-seventh general assembly, second regular session, 3 and section 49.266 as enacted by house bill no. 28, ninety- 4 seventh general assembly, first regular session, are repealed 5 and one new section enacted in lieu thereof, to be known as 6 section 49.266, to read as follows:

49.266. 1. The county commission in all [noncharter] 2 counties **of the first, second, third, or fourth** 3 **classification** may by order or ordinance promulgate 4 reasonable regulations concerning the use of county 5 property, the hours, conditions, methods and manner of such 6 use and the regulation of pedestrian and vehicular traffic 7 and parking thereon.

2. Violation of any regulation so adopted under 9 subsection 1 of this section is an infraction.

10 3. Upon a determination by the state fire marshal that 11 a burn ban order is appropriate for a county because:

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 (1) An actual or impending occurrence of a natural
13 disaster of major proportions within the county jeopardizes
14 the safety and welfare of the inhabitants of such county; and

15 (2) The U.S. Drought Monitor has designated the county
16 as an area of severe, extreme, or exceptional drought, the
17 county commission may adopt an order or ordinance issuing a
18 burn ban, which may carry a penalty of up to a class A
19 misdemeanor. State agencies responsible for fire management
20 or suppression activities and persons conducting
21 agricultural burning using best management practices shall
22 not be subject to the provisions of this subsection. The
23 ability of an individual, organization, or corporation to
24 sell fireworks shall not be affected by the issuance of a
25 burn ban. The county burn ban may prohibit the explosion or
26 ignition of any missile or skyrocket as the terms "missile"
27 and "skyrocket" are defined by the 2012 edition of the
28 American Fireworks Standards Laboratory, but shall not ban
29 the explosion or ignition of any other consumer fireworks as
30 the term "consumer fireworks" is defined under section
31 320.106.

32 4. The regulations so adopted shall be codified,
33 printed and made available for public use and adequate signs
34 concerning smoking, traffic and parking regulations shall be
35 posted.

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6 use of county property, the hours, conditions,
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8 regulation of pedestrian and vehicular traffic
9 and parking thereon.

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13 3. Upon a determination by the state fire
14 marshal that a burn ban order is appropriate for
a county because:

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19 (2) The U.S. Drought Monitor has
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