

# HOUSE BILL NO. 351

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HENDERSON.

0817H.011

DANA RADEMAN MILLER, Chief Clerk

### 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 regulations by a county, with a 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. 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and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 49.266, to read as follows:

~~[49.266. 1. The county commission in all noncharter counties may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.~~

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

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

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

~~(2) The U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought, the county commission may adopt an order or ordinance issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for fire management or suppression~~

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 ~~activities and persons conducting agricultural burning using best management~~  
 17 ~~practices shall not be subject to the provisions of this subsection. The ability of~~  
 18 ~~an individual, organization, or corporation to sell fireworks shall not be affected~~  
 19 ~~by the issuance of a burn ban. The county burn ban may prohibit the explosion~~  
 20 ~~or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are~~  
 21 ~~defined by the 2012 edition of the American Fireworks Standards Laboratory, but~~  
 22 ~~shall not ban the explosion or ignition of any other consumer fireworks as the~~  
 23 ~~term "consumer fireworks" is defined under section 320.106.~~

24 ~~4. The regulations so adopted shall be codified, printed and made~~  
 25 ~~available for public use and adequate signs concerning smoking, traffic and~~  
 26 ~~parking regulations shall be posted.]~~  
 27

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

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

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

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

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

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

✓