

SECOND REGULAR SESSION

SENATE BILL NO. 747

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3739S.011

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, RSMo, and to enact in lieu thereof one new section relating to county regulations, 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
2 general assembly, second regular session, and section 49.266 as enacted by house
3 bill no. 28, ninety-seventh general assembly, first regular session, RSMo, are
4 repealed and one new section enacted in lieu thereof, to be known as section
5 49.266, to read as follows:

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

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

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

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

13 (2) The U.S. Drought Monitor has designated the county as an area of

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

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

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

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2 first, second or fourth classification may by order or ordinance
3 promulgate reasonable regulations concerning the use of county
4 property, the hours, conditions, methods and manner of such use
5 and the regulation of pedestrian and vehicular traffic and parking
6 thereon.

7 2. Violation of any regulation so adopted under subsection
8 1 of this section is an infraction.

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

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

14 (2) The U.S. Drought Monitor has designated the county as
15 an area of severe, extreme, or exceptional drought, the county
16 commission may adopt an order or ordinance issuing a burn ban,
17 which may carry a penalty of up to a class A misdemeanor. State
18 agencies responsible for fire management or suppression activities
19 and persons conducting agricultural burning using best
20 management practices shall not be subject to the provisions of this
21 subsection. The ability of an individual, organization, or
22 corporation to sell fireworks shall not be affected by the issuance

23 of a burn ban. The county burn ban may prohibit the explosion or
24 ignition of any missile or skyrocket as the terms "missile" and
25 "skyrocket" are defined by the 2012 edition of the American
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27 or ignition of any other consumer fireworks as the term "consumer
28 fireworks" is defined under section 320.106.

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Unofficial ✓

Bill

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