

BILL NO. 3481

ORDINANCE NO. 3284

AN ORDINANCE OF THE CITY OF CHESTERFIELD AMENDING SECTIONS 210.900, 210.910, AND 220.150 OF THE CITY MUNICIPAL CODE RELATED TO FIREARMS REGULATIONS

WHEREAS, the State of Missouri has preempted the entire field of legislation touching in any way firearms to the exclusion of any order, ordinance or regulation by any political subdivision, including the City of Chesterfield; and

WHEREAS, RSMo 21.750 allows political subdivisions to pass ordinances which conform exactly with the provisions of RSMo 571.010 to 571.070; and

WHEREAS, RSMo 21.750 further allows the City to regulate the open carrying of firearms readily capable of lethal use or the discharge of firearms within the City, provided such ordinances comply with RSMo 252.243; and

WHEREAS, the City, having carefully studied the aforementioned statutes, desires to update its ordinances to reflect the current state of the law; and

WHEREAS, the City Council desires to amend the City's Code to protect the health, safety, and welfare of the residents of the City.

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

Section I: Section 210.900 of the City of Chesterfield Municipal Code shall be amended as set forth below, with language to be added underlined and language to be deleted ~~stricken~~:

Section 210.900 Carrying Concealed Firearms Prohibited — Penalty For Violation.

A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm or openly carried firearm into:

1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subsection shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subsection are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of Subsection (1) of Section 571.107, RSMo. Nothing in this Subsection shall preclude those persons listed in Subsection **(B)(1)** of Section **210.840** while within their jurisdiction and on duty, those persons listed in Subsections **(B)(2)**, (4) and (10) of Section **210.840**, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of Subsection (1) of Section 571.107, RSMo., from carrying a concealed firearm within any of the areas described in this Subsection. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subsection shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
5. Any meeting of the Chesterfield City Council, except that nothing in this Subsection shall preclude a member of the City Council holding a valid concealed carry permit or endorsement from carrying a

concealed firearm at a meeting of the City Council of which he/she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

6. Any building owned, leased or controlled by the City of Chesterfield identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by the City of Chesterfield. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation;
7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subsection shall not apply to the licensee of said establishment. The provisions of this Subsection shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subsection does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subsection authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;
8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
9. Any place where the carrying of a firearm is prohibited by Federal law;

- 10.** Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his/her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- 11.** Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subsection shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;
- 12.** Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- 13.** Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- 14.** Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- 15.** Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs

displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

B. Any person violating any of the provisions of Subsection **(A)** of this Section shall be punished as follows:

1. Carrying of a firearm in a location specified in subdivisions (1) to (17) of subsection A of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such

person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue.

2. Carrying of a firearm in a location specified in subdivisions (1) to (17) of subsection A of this section by any individual who does not hold a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed three (3) months, or by both such fine and imprisonment, as provided in Section **100.080** of this Code of Ordinances.

~~1. If the violator holds a concealed carry permit or endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first offense. If a second citation for a similar violation occurs within a six month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third citation for a similar violation is issued within one (1) year of the first citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the Sheriff of the County which issued the~~

~~certificate of qualification for a concealed carry permit or endorsement and the Department of Revenue.~~

~~2. If the violator does not hold a current valid concealed carry permit or endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section **100.080** of this Code of Ordinances.~~

~~3. Employees of the City of Chesterfield may, in addition to any other punishment hereby, be subject to disciplinary action.~~

C. ~~It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty five dollars (\$35.00), for any person issued a concealed carry permit or endorsement pursuant to State law to fail to carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry permit or endorsement upon the request of any Peace Officer. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm and shall display the concealed carry permit and a state or federal government-issued photo identification or the endorsement or permit upon the request of any peace officer. Failure to comply with this subsection shall not be a criminal offense but the concealed carry permit or endorsement holder may be issued a citation for an amount not to exceed thirty-five dollars.~~

Section II: Section 210.910 of the City of Chesterfield Municipal Code shall be amended as set forth below, with language to be added underlined and language to be deleted ~~stricken~~:

Section 210.910 **Open Display Of Firearm Permitted, When.**

A. Open carrying of a firearm shall be prohibited within the City limits except by:

1. Open carrying of a firearm, other than in those locations enumerated in Section 210.900, shall not be prohibited for any person with a valid concealed carry endorsement or permit, so long as such endorsement or permit is in said person's possession. Any

person open carrying a firearm shall display his or her concealed carry endorsement or permit upon demand of a law enforcement officer.

- 2.** any law enforcement officer Any person who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense, and as permitted by RSMo 252.243.
- 3.** All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to RSMo 17 590.030 to 590.050 and who possess 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 on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in RSMo 571.030.12, and who carry the identification defined in RSMo 571.030.13, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
- 4.** Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
- 5.** Members of the armed forces or national guard while performing their official duty;
- 6.** 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;
- 7.** Any person whose bona fide duty is to execute process, civil or criminal;

- 8.** Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;
- 9.** Any state probation or parole officer, including supervisors and members of the board of probation and parole;
- 10.** Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Missouri department of public safety under RSMo 590.750;
- 11.** Any coroner, deputy coroner, medical examiner, or assistant medical examiner;
- 12.** Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under RSMo 571.111.2;
- 13.** 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 Missouri concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit issued 9 under RSMo 571.101 to 571.121, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and
- 14.** Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid Missouri concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.
- 15.** Any persons who are engaged in a lawful act of defense pursuant to RSMo 563.031.

D. Any person who violates this section may be issued a citation for an amount not to exceed thirty-five dollars.

Section III: Section 220.150 of the City of Chesterfield Municipal Code shall be amended as set forth below, with language to be added underlined and language to be deleted ~~stricken~~:

Section 220.150 **Weapons Prohibited.**

- A.** No person shall carry or have in his/her possession any ~~firearm, air pistol, air rifle, bow and arrow or any other~~ instrument capable of launching or firing any projectile or noxious substance, whether propelled by ~~gunpowder~~, gas, air, spring, or any other means, ~~while~~ within any park, facility, trail area, roadway, driveway, or other public place of the Department. For purposes of this Section, the term noxious substance shall not include pepper spray with a range of less than twenty feet.
- B.** A person is permitted to keep in their locked vehicle any air pistol, air rifle, or bow and arrow within any park facility, trail area, roadway, driveway, or other public place of the Department.
- C.** Any person over the age of 14 is permitted to carry or have in his/her possession any pepper spray, stun gun, or other non-lethal self-defense tool within any park, facility, trail area, roadway, driveway, or other public place of the Department.
- D.** This Section shall not apply to any Law Enforcement Officer authorized by law to carry a weapon within the parks, facilities and/or trail areas.
- E.** Firearms, as defined by Section 210.830, shall be governed by 210.900 and 210.910.

Section IV: This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section V: This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 4th day of March, ^{2024 njm} 2023.

Bob Nation
Presiding Officer

Bob Nation
Bob Nation, Mayor

ATTEST:

Vickie McGownd

Vickie McGownd



FIRST READING HELD: 11-20-2023