

AN ORDINANCE OF THE CITY OF BYRNES MILL, MISSOURI, AMENDING THE PUBLIC HEALTH, SAFETY AND WELFARE CODE: CHAPTER 210 OFFENSES, ARTICLE VI OFFENSES CONCERNING WEAPONS AND FIREARMS, SECTION 210.940 HUNTING OR TRAPPING WITHIN THE CITY

WHEREAS, the discharge of firearms and projectile weapons in residential and other areas inhabited by or frequented by residents and/or the general public is potentially dangerous and deadly; and

WHEREAS, the unregulated use of animal traps can put the general public at risk of bodily harm; and

WHEREAS, it is reasonable for the City of Byrnes Mill, Missouri to enact legislation and regulations to protect the health and welfare of its residents and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERPERSONS OF THE CITY OF BYRNES MILL, MISSOURI, AS FOLLOWS:

Section I. Chapter 210 Offenses, Article VI Offenses Concerning Weapons and Firearms, Section 210.940 Hunting or Trapping Within the City is hereby amended by the adoption of the new Section 210.940 to be worded as follows:

“Section 210.940 Hunting or Trapping Within the City.

A. Definitions. As used in this Article; the following terms shall have these prescribed meanings:

ARCHERY DEVICE

Any long bow or compound bow.

BLACKJACK

Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, or animal and which is readily capable of lethal use.

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.

FIREARMS

Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive

INTOXICATED

Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

PROJECTILE WEAPON

Any air gun, archery device, bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

SHOTGUN

Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

- B. Hunting Regulations.
 - 1. All current laws of the State of Missouri as regards the regulation of hunting shall be obeyed within the corporate limits of Byrnes Mill.
 - 2. All provisions of RSMo §578 and §571 shall apply to hunting within the corporate limits of Byrnes Mill.
 - 3. Hunting Of Smaller Game. Small game, such as rabbits or squirrels or to take game such as waterfowl or upland game birds, are not permitted to be hunted.
 - 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 Byrnes Mill.
 - 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, 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, archery device or crossbow from any boat or other water vessel or across or into the Big River 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 RSMo Chapter 571, 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 two hundred (200) yards of any dwelling, house, apartment, building, church, school, playground, recreational area; it shall be unlawful to hunt by firing or discharging an archery device within twenty-five (25) yards of any dwelling, house, apartment building, church, school, playground, recreational area.
 - f. It shall be unlawful to hunt by firing or discharging any firearm on any parcel of land containing less than twenty-five (25) acres which must be Zoned Agriculture, or archery device on any parcel of land containing less than five (5) acres. Archery hunting must be from an elevated position to a height of no less than eight (8) feet, so as the arrow has a downward trajectory. Minimum acreage requirements may be multiple contiguous parcels of land of same owner.
7. Special Hunts. Any special hunts permitted by the Missouri Department of Conservation or Department of Natural Resources shall be permitted under this Section after obtaining approval of the Board of Alderpersons of the City of Byrnes Mill.

8. Types of Hunting:

- a. Archery: as defined above. Hunting with bow and arrow is allowed on lots not less than five (5) acres. Hunters must be elevated no less than eight (8) feet off of the ground. Any discharged bow must not land less than twenty-five (25) yards from any dwelling, home, outbuilding, barn, school, church, commercial property, residential property, common ground, or City Park(s). Anyone under the age of 18 must be certified with the Missouri Department of Conservation and with a certified adult.
- b. Projectile Weapon: As defined above. Hunting with a firearm is allowed on lots of Twenty-Five (25) acres or more. The property must be zoned agricultural. Projectiles must not land less than

two hundred (200) yards of the property line or from any dwelling, home, outbuilding, barn, school, church, commercial property, residential property, common ground, or City Park(s). Any individual hunting must have the proper certificates and/or licenses from the State.

- D. Penalties. Any person violating any provision of this Section shall, upon conviction, be punished by a fine of not less than one-dollar (\$1.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or both, for each offense.
- E. Specific Acts — Prohibited. Except as otherwise provided by RSMo §571.101 to §571.121, and RSMo §252.243, it shall be unlawful for any person to knowingly:
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 into any area where firearms are restricted under RSMo §571.107 or
 2. Discharge or shoot a firearm on any parcel of property containing less than twenty-five (25) acres, and must be zoned agriculture; or
 3. Discharge or shoot of an archery device or crossbow on any parcel of property containing less than five (5) acres; or
 4. 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 RSMo §302.010 or any building or structure used for the assembling of people; or
 6. Have a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handle or otherwise use such firearm or projectile weapon in either a negligent or unlawful manner or discharge such firearm or projectile weapon unless acting in self-defense; or
 7. Discharge a firearm or air gun within two-hundred (200) yards, archery device or crossbow within twenty-five (25) yards of any occupied schoolhouse, courthouse, or church building; or property line
 8. Discharge or shoot a firearm or air gun within two-hundred (200) yards of any dwelling, house, apartment, building, church, school, playground, recreational area, or any building not owned by the person discharging or shooting the firearm or air gun.
 9. Discharge or shoot an archery device or crossbow within twenty-five (25) yards of any dwelling house, apartment building, church, school, playground, recreational area, or any building not owned by the person discharging or shooting the archery device or crossbow, unless the person has written permission of the owner, lessee, or person in charge of such premises or property; or

10. Discharge or shoot a firearm or projectile weapon at a mark, at any object, or at random, on, along or across a public highway or discharge or shoot a firearm or projectile weapon into any outbuilding; or
11. Carry a firearm, projectile weapon, blackjack, 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
12. Discharge or shoot a projectile weapon at or from a motor vehicle, as defined in RSMo §301.010, discharge or shoot a projectile weapon 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
13. Carry a firearm, whether loaded or unloaded, air gun, archery device, blackjack, 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.

F. Further Limitations.

1. The carrying of firearms in City buildings shall not be permitted. Concealed firearms are not permitted in any place in which Section 571.107 specifically bans them. Pertaining to City property,:
 - 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;

G. Pertaining to Conceal and Carry Permits the City hereby adopts RSMO Chapter 571

H. If any provision of this ordinance is found to be unenforceable, unconstitutional, or unlawful the remaining portions of this Ordinance shall remain in effect. The unenforceable, unconstitutional, or unlawful portion shall be segregated.

BILL NO. 944-21

ORDINANCE NO. _____

Section II. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and Board of Alderpersons.

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF _____, _____
BY THE BOARD OF ALDERPERSONS OF THE CITY OF BYRNES MILL, MISSOURI.

Presiding Officer of the
Board of Alderpersons

Rob Kiczenski, Mayor

ATTEST:

Deborah LaVenture, City Administrator/Clerk

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney