

Introduced by: Council Present

AN ORDINANCE ADOPTING AND ENACTING A NEW CHAPTER 210, OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF BERKELEY, COUNTY OF ST. LOUIS, STATE OF MISSOURI; AND PROVIDING FOR THE REPEAL OF EXISTING CODE CHAPTER 210; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE

Be it Ordained by the City Council of the City of Berkeley, County of St. Louis, State of Missouri, as follows:

Section 1 Findings

In the 2014 Legislative Session, the Missouri State Legislature enacted Senate Bill 491 and House Bill 1371 which resulted in numerous revisions to Title 38 (Crimes and Punishment) of the State Statutes, effective as of January 1, 2017. Therefore, Chapter 210, Offenses, of the Code of Ordinances of the City of Berkeley, County of St. Louis, State of Missouri, requires substantial revisions and readoption to effect compliance with the Revised Statutes of Missouri.

Section 2 Adoption of Revised Chapter and Repeal of Existing Provision; Effective Date

- A. The entirety of Chapter 210, Offenses, attached hereto, is hereby adopted and enacted as Chapter 210 of the Code of Ordinances of the City of Berkeley; and such Chapter shall repeal and replace existing code Chapter 210 as of the effective date provided in Subsection (C) hereof.
- B. The repeal of existing Chapter 210 set forth in Subsection (A) above shall not affect the following:
 - (1) Any ordinance adopted subsequent to July 18, 2016, which reflects the date of the last legislation reviewed for the most recent Code update (Supp #19, 7/16).
 - (2) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgement rendered prior to such date.
- C. All provisions of this ordinance and revised Chapter 210, Offenses, adopted hereby shall be in full force and effect on January 1, 2017.

Section 3 Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance and Chapter 210, Offenses, hereby adopted are severable, and if any phrase, clause, sentence, paragraph or Section of this ordinance of Chapter 210 hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this ordinance or Chapter 210 hereby adopted.

Section 4 State Law Reference Table

For ease of reference, the following State Law Reference Table outlines the Statutory authority, as revised through the 2014 Legislative Session and effective January 1, 2017, for each Section of Chapter 210 Offenses hereby adopted.

Code Section	RSMo. Section
210.010	556.061, 565.002(14)
210.020	562.012
210.030	562.014
210.120	565.056
210.130	565.076
210.150	565.091
210.160	565.227
210.170	565.130
210.180	568.050
210.190	577.300
210.300	575.020
210.310	575.030
210.320	575.190
210.330	575.250
210.340	575.270
210.350	575.100
210.360	575.290
210.370	575.120
210.380	575.080
210.390	575.150
210.400	575.200
210.410	575.160
210.520	577.100
210.530	577.070
210.540	577.076
210.550	577.150
210.560	577.080
210.660	574.005
210.670	574.010
210.680	574.020
210.690	574.040
210.700	574.050
210.710	574.060
210.730	574.035
210.740	574.160
210.830	571.010
210.840	571.030
210.850	571.020
210.860	571.045.1
210.870	571.085
210.880	571.087
210.890	571.060.1(2),(3)
210.900	571.107
210.910	571.037
210.1020	569.010
210.1030	569.090
210.1040	569.120
210.1050	569.130

Code Section	RSMo. Section
210.1060	569.140
210.1070	569.150
210.1080	569.155
210.1090	569.060
210.1100	569.065
210.1110	570.030
210.1120	302.286
210.1140	570.145
210.1150	570.130
210.1160	570.140
210.1170	570.085
210.1180	570.057
210.1190	570.120
210.1200	537.125
210.1210	407.300
210.1220	407.301
210.1230	407.302
210.1240	407.303
210.1350	567.010
210.1360	567.020
210.1370	567.030
210.1390	567.080
210.1500	566.010
210.1510	566.093
210.1520	566.101
210.1530	566.148
210.1540	566.149
210.1550	589.426
210.1670	573.010
210.1680	573.030.1
210.1690	573.040
210.1800	579.015
210.1810	579.015
210.1820	195.418
210.1830	579.074
210.1840	579.097
210.1850	579.099
210.1860	579.101
210.2100	407.925
210.2105	407.926
210.2110	407.931
210.2120	407.933
210.2130	407.934.1
210.2140	407.927
210.2150	407.928
210.2160	407.929

1st Reading this 17th day of October 2016

2nd Reading this _____ day of _____ 2016

3rd Reading, PASSED and APPROVED, this _____ **day of** _____ **2016**

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___