

**BILL NO. 24-007**

**ORDINANCE NO. 2139**

**AN ORDINANCE OF THE CITY OF COTTLEVILLE,  
MISSOURI, DELETING SECTION 340.165 OF THE  
MUNICIPAL CODE OF THE CITY**

**WHEREAS**, in August 2023, the Missouri General Assembly enacted Section 304.822, RSMo., known as the “Siddens Bening Hands Free Law,” which regulates the use of electronic communication devices by the operators of commercial and non-commercial motor vehicles; and

**WHEREAS**, pursuant to Subsection (10) of the Siddens Bening Hands Free Law, municipalities are preempted from enacting local laws, ordinances, orders, rules, or regulations relating to the use of electronic communication devices by the operator of commercial and non-commercial motor vehicles; and

**WHEREAS**, the City of Cottleville, Missouri, pursuant to Section 340.165 of the Municipal Code of the City, currently prohibits text messaging while operating a motor vehicle; and

**WHEREAS**, the Board of Aldermen of the City believe it to be in the best interest and benefit to the residents of the City to amend the Municipal Code of the City of Cottleville, Missouri, to comply with Section 304.822, RSMo., and delete Section 340.165 of the Municipal Code;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF COTTLEVILLE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That Section 340.165 of the Municipal Code of the City of Cottleville, Missouri, be and hereby is amended by deleting it in its entirety.

**SECTION 2.** Savings Clause. Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

**SECTION 3.** Severability Clause. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 4. Effective Date.** This Ordinance shall be in full force and take effect from and after its final passage and approval.

Read the first (1<sup>st</sup>) time this 21 day of Feb, 2024.

Attest: gch  
City Clerk

  
As Presiding Officer and as Mayor

Read the second (2<sup>nd</sup>) time and passed this 20 day of March, 2024.

Attest: gch  
City Clerk

  
As Presiding Officer and as Mayor

Approved this 20 day of March, 2024.

Attest: gch  
City Clerk

  
Mayor