OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

CHRISTOPHER ZANG,	)	ED109422
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	St. Charles County
v.	)	2011-CC00282
	)	
CITY OF ST. CHARLES, MISSOURI,	)	Honorable Daniel G. Pelikan
	)	
Respondent.	)	Filed: October 19, 2021

Christopher Zang (Plaintiff) appeals from the trial court's dismissal of Count II of his First Amended Petition alleging personal injuries from a bicycle accident on a metal bridge in the City of St. Charles (Respondent).

REVERSED AND REMANDED.

Division Four holds: Respondent's charter provision "prohibits what the statute permits" and irreconcilably conflicts with state statutes. *Cape Motor Lodge, Inc.*, 706 S.W.2d at 211. Therefore the provision is void. We find the trial court erred in granting Respondent's motion to dismiss.

Opinion by: Lisa P. Page, J.

Michael E. Gardner, P.J. and James M. Dowd, J., concur.

Attorney for Appellant: Andrew S. Martin, Brent A. Sumner, and John J. Greffet Jr.

Attorney for Respondent: Portia C. Kayser and Joshua C. Grumke

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.