OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

MICHAEL ROTH, Respondent, v. CITY OF SAINT LOUIS, Appellant.	))))))))	ED113811 Filed: May 5, 2026

Appeal from the Circuit Court of the City of Saint Louis
The Honorable Joseph P. Whyte, Judge

The City of Saint Louis ("City") appeals the decision of the circuit court ("trial court") which granted Michael Roth judgment on the pleadings on his petition for declaratory judgment and injunctive relief ("Petition") which challenged Section One of the City's Ordinance 70502 ("Unattended Vehicle Ordinance" or "Ordinance")[1] arguing, *inter alia,* the Unattended Vehicle Ordinance is invalid as a matter of law because it is preempted by section 21.750 of the Revised Statutes of Missouri.[2] In its sole point on appeal, the City argues the trial court erred in concluding the Ordinance is expressly preempted by section 21.750 because the Ordinance regulates a distinct category of legislation – firearm "storage" – that section 21.750 does not expressly preempt.

AFFIRMED.

DIVISION ONE HOLDS:
The trial court did not err in concluding the Unattended Vehicle Ordinance is expressly preempted by section 21.750 because section 21.750 clearly indicates the legislature's intent to preempt ordinances such as the Ordinance at issue here. First, the Ordinance is clearly preempted by the language within subsection 1 of section 21.750 in that it: (1) "touch[es] in any way" the regulation of firearms; and (2) is not included within the exceptions listed in subsection 3. *See* sections 21.750.1 and 21.750.3. Moreover, the Ordinance is clearly preempted by the language within subsection 2 in that it: (1) "concern[s] in any way" the means in which a firearm is "ke[pt]," "possess[ed]," and

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[1] The Unattended Vehicle Ordinance is codified within the City of Saint Louis Revised Code section 15.133.010 (effective from February 21, 2017, to the present). The Ordinance prohibits individuals from leaving a firearm in an unattended vehicle, unless the firearm is stored in a locked container.
[2] All statutory references are to RSMo 2016.

"transport[ed]"; and (2) is not included within the exceptions listed in subsection 3. *See* sections 21.750.2 and 21.750.3. Accordingly, the Unattended Vehicle Ordinance is expressly preempted by section 21.750 and is therefore void.

Opinion by: Robert M. Clayton III, Presiding Judge
Michael E. Gardner, Judge; Rebeca Navarro-McKelvey, Judge, concur.

Attorneys for Appellant: Nathan S. Puckett and Inez J. Ross

Attorney for Respondent: Matthew B. Vianello

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.