

ORDINANCE NO. 160589

Amending Chapter 2, Code of Ordinances of Kansas City, Missouri, by deleting Section 2-1446; and amending Chapter 70, Code of Ordinances of Kansas City, Missouri, by deleting Sections 70-1, 70-101, 70-137, 70-271, 70-307, 70-402, 70-524, 70-535, 70-538, 70-594, 70-602, 70-641, 70-831 and 70-862 and enacting in lieu thereof new sections of like number and subject matter, and enacting one new section, Section 70-367, to comply with new state laws regarding the assessments of costs and fines for municipal ordinance violations.

WHEREAS, the Missouri legislature enacted Senate Bill 572, effective on August 28, 2016, pertaining to the assessments of costs and fines for municipal ordinance violations; and

WHEREAS, a number of city ordinances are impacted by the new state legislation and need to be amended; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by deleting Section 2-1446.

Section 2. That Chapter 70, Code of Ordinances of the City of Kansas City Missouri is hereby amended by deleting Sections 70-1, 70-101, 70-137, 70-271, 70-307, 70-402, 70-524, 70-535, 70-538, 70-594, 70-602, 70-641, 70-831 and 70-862 and enacting in lieu thereof new sections of like number and subject matter, and enacting one new section, Section 70-367, to read as follows:

**Sec. 70-1. Definitions.**

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accident* means a collision between a vehicle and another vehicle, railroad train, person or stationary object, or the overturn or upset of a vehicle which results in property damage, personal injury or death; or any entry into or emerging from a moving vehicle by a person which results in personal injury or death to such person.

*Alley* means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

*All-terrain vehicle* means any motorized vehicle manufactured and used exclusively for off-highway use which is 50 inches or less in width, with an unladen dry

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weight of 600 pounds or less, traveling on three, four or more low-pressure tires, with a seat designed to be straddled by the operator and handlebars for steering control.

*Ambulance* means any motor vehicle constructed, reconstructed, arranged, equipped, used or meant for use of transporting ill, injured or otherwise incapacitated persons from one place to another.

*Authorized emergency vehicle* means such fire department vehicles, police vehicles and ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated such by law, or by the board of police commissioners of the city.

*Automated traffic control system* means a system consisting of devices with one or more motor vehicle sensors working in conjunction with traffic control signals to automatically produce photographs, micrographs, a videotape or other recorded images of motor vehicles entering an intersection in violation of red traffic signal indications or otherwise violating traffic control ordinances.

*Automated traffic control system records* means photographs, micrographs, videotape or other recorded images of motor vehicles entering an intersection in violation of red traffic signal indications or otherwise violating traffic control ordinances.

*Bicycle* means every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, except such vehicles with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position, and except scooters and similar devices.

*Boulevard* means a street which is under jurisdiction of the board of parks and recreation commissioners.

*Bus* means a motor vehicle designed and constructed for the general transportation of passengers for hire and possessing a manufacturer's rated seating capacity for a driver and eight or more passengers.

*Business district* means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

*Commercial driver's license.* See "License."

*Commercial motor vehicle* means any self-propelled or towed vehicle used on public highways to transport passengers or property when:

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- (1) The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds;
- (2) The vehicle is designed to transport more than 15 passengers, including the driver; or
- (3) The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the secretary of transportation under the Hazardous Materials Transportation Act (49 USC App. 1801-1813).

*Commuter vehicle* means a motor vehicle parked in an area where at least one side or 50 percent of a street or block is zoned residential, by a person not a resident thereof.

*Construction zone*, used interchangeably with "*work zone*," in this chapter, means any area upon or around any highway as defined in section 302.010, RSMo, which is visibly marked as an area where construction, maintenance, or other work is occurring, and includes the lanes of a highway leading up to the area upon which an activity described herein is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted.

*Controlled access street or highway* means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway, street or roadway, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

*Crosswalk* means:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the center.
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*Curb loading zone* means a space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

*Dealer* means any person engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers.

*Director* means the director of the public works department of this city.

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*Divided street or highway* means a street or highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

*Drag race* means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

*Driver* means every person who drives or is in actual physical control of a vehicle.

*Driver's license* means any license to operate a motor vehicle issued under the laws of this state.

*Dwelling unit* means a building or portion thereof designed exclusively for residential occupancy by one family and provided with sanitation and cooking facilities.

*Emergency vehicle.* See "Authorized emergency vehicle."

*Explosive* means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

*Farm tractor* means every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

*Flammable liquid* means any liquid which has a flashpoint of 70 degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

*Gross combination weight rating (GCWR)* means the value specified by the manufacturer as the maximum loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

*Gross vehicle weight rating (GVWR)* means the value specified by the manufacturer as the maximum loaded weight of a single vehicle.

*Gross weight* means the weight of a vehicle or vehicle combination without load plus the weight of any load thereon.

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*Highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

*House trailer* means:

- (1) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or
- (2) A trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subsection (1) of this definition, but which is used instead, permanently or temporarily, for the advertising, sale, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

*Human-powered vehicle* means every vehicle designed to be moved solely by human power.

*Implement of husbandry* means every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally operated or moved upon the highways or streets.

*Intersection* means:

- (1) The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways or streets joining at any other angle may come in conflict.
- (2) Where a street or highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided street or highway by an intersecting street or highway shall be regarded as a separate intersection. If such intersecting street or highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such street or highway shall be regarded as a separate intersection.
- (3) The junction of an alley with a street or highway shall not constitute an intersection.

*Issuing authority* means the director or a person or party authorized by the director to issue residential parking permits for a residential permit parking area or street.

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*Laned roadway* means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

*License* and *license to operate a motor vehicle* means any driver's license or any other license or permit to operate a motor vehicle or streetcar issued under, or granted by, the laws of this state, including:

- (1) Any temporary license or instruction permit.
- (2) The privilege of any person to drive a motor vehicle, whether or not such person holds a valid license.
- (3) Any nonresident's operating privilege as defined in this section.
- (4) Commercial driver's license (CDL): a license to operate any commercial motor vehicle issued by the driver's state of residence.
- (5) Class A CDL: required to operate any combination of vehicles with a GCWR of 26,001 or more pounds provided the GVWR of the vehicles being towed is in excess of 10,000 pounds.
- (6) Class B CDL: required to operate any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.
- (7) Class C CDL: required to operate any single vehicle, or combination of vehicles, that meets neither the definition of class A nor that of class B as contained in this section, but that either is designed to transport 16 or more passengers including the driver, or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations as set out in 49 CFR part 172, subpart F.
- (8) Class E license: required to operate any vehicle for hire not required to have a Class A, B or C CDL.
- (9) Class F license: required to operate any private vehicle which is transporting less than 15 persons and not transporting hazardous materials requiring placarding.
- (10) Class M license: required for operation of a motorcycle only.

*Lienholder* means a person holding a security interest in a vehicle.

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*Loading zone* means a space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

*Lodging room* means a room rented as sleeping and living quarters, but without kitchen facilities, and with or without an individual bathroom. In a suite of rooms without kitchen facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this chapter.

*Lodginghouse* means a building, other than a hotel, where a room without meals or cooking privileges for five or more persons is provided for compensation.

*Metal tire* means every tire the surface of which in contact with the highway or street is wholly or partly of metal or other hard, nonresilient material.

*Moped* means a motor-driven cycle both with pedals to permit propulsion by human power and with a motor which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of 30 miles per hour on level ground. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeters; and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

*Motor home* means every motor vehicle designed, used or maintained primarily as a mobile dwelling, office or commercial space.

*Motor vehicle* means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power.

*Motorcycle* means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

*Motor-driven cycle* means every motorcycle, motor scooter or motorized bicycle having an engine with less than 150 cubic centimeters displacement or with five brake horsepower or less.

*Motorman* means a person who propels, drives, operates or who is in charge of a streetcar vehicle.

*Nonresident* means every person who is not a resident of this state.

*Nonresident's operating privilege* means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

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*Official time standard* means whenever certain hours are named in this chapter, they shall mean standard time or daylight saving time, as may be in current use in this city.

*Official traffic control devices* means all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

*Off-road vehicle* means any vehicle designed for or capable of cross-country travel on or immediately over land, water, ice, snow, marsh, swampland or other natural terrain without benefit of a road or trail:

- (1) Including, without limitation, the following:
  - a. Jeeps;
  - b. All-terrain vehicles;
  - c. Dune buggies;
  - d. Multiwheel drive or low-pressure tire vehicles;
  - e. Vehicle using an endless belt or tread, or a combination of tread and low-pressure tires;
  - f. Motorcycles, trail bikes, minibikes and related vehicles; and
  - g. Any other means of transportation deriving power from any other source other than muscle or wind; and
- (2) Excluding the following:
  - a. Registered motorboats;
  - b. Aircraft;
  - c. Any military, fire or law enforcement vehicle;
  - d. Farm-type tractors and other self-propelled equipment for harvesting and transporting farm or forest products;
  - e. Any vehicle being used for farm purposes, earth-moving or construction while being used for such purposes on the work site;

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- f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used exclusively for their designed purposes; and
- g. Any vehicle being used for the purpose of transporting a handicapped person.

*Operator* means every person who drives or is in actual physical control of a vehicle.

*Out of service* means a temporary prohibition against the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier.

*Out of service order* means a declaration by the Federal Highway Administration or any authorized enforcement officer of a federal, state, commonwealth or Puerto Rico, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service.

*Owner* means a person, other than a lienholder, having a property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

*Park* and *parking* mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

*Passenger car* means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons.

*Passenger loading zone* means a place reserved for the exclusive use of vehicles while receiving or discharging passengers.

*Pedestrian* means any person afoot.

*Personal identification card* means a document issued by the department of revenue of the state for the sole purpose of identifying the bearer and not authorized for use as a driver's license.

*Pole trailer* means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

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*Police officer* means every officer of the police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*Private road or driveway* means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

*Railroad* means a carrier of persons or property upon cars operated upon stationary rails.

*Railroad sign or signal* means any sign, signal or device erected by authority of a public body or official or by a railroad intended to give notice of the presence of railroad tracks or the approach of a railroad car.

*Railroad train* means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

*Registration* means the registration certificate or certificates and registration plates issued under laws pertaining to the registration of vehicles.

*Residence district* means the territory contiguous to and including a street or highway not comprising a business district when the property on such street or highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

*Residential parking area* means a contiguous or nearly contiguous area containing public streets or parts thereof primarily abutted by residential property or residential and nonbusiness property such as schools, parks, churches, hospitals and nursing homes.

*Residential parking permit* means a permit issued by the city or an issuing authority which confers certain parking privileges upon the driver of the car to which it is affixed.

*Residential permit parking area or street* means a residential parking area or a street where vehicles with an affixed residential parking permit may be parked in excess of posted parking.

*Right-of-way* means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

*Roadway* means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder, even though such sidewalk, berm or shoulder is used by persons riding bicycles or other

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human-powered vehicles. If a street or highway includes two or more separate roadways, the term "roadway" as used in this chapter shall refer to any such roadway separately but not to all such roadways collectively.

*Safety zone* means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

*School bus* means every motor vehicle that complies with the provisions of this chapter and is used to transport pupils to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of pupils.

*School zone* means any area upon or around any street, highway, roadway, or intersection which is visibly marked as an area where a school is located. The term "school zone" also includes the lanes of such street, highway, roadway or intersection leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed.

*Semitrailer* means every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

*Sidewalk* means that portion of a street between the curblines, or the lateral lines of a roadway and the adjacent property lines, intended for use by pedestrians.

*Solid rubber tire* means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

*Stand* and *standing* mean the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

*Stop, when required,* means complete cessation of movement.

*Stop* and *stopping, when prohibited,* mean any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

*Street* means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

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*Streetcar* or *streetcar vehicle* means an electrically driven rail transit vehicle designed for local public transportation that runs on rails let into the surface of the road and that is usually powered by electricity received from an overhead wire.

*Streetcar Authority* means any person or entity contracting with the City to oversee and administer the management and operations of any streetcar system.

*Streetcar Operator* means the professional transportation company hired by the City or Streetcar Authority pursuant to a contract to manage and operate any streetcar system.

*Streetcar service line* means any rail, track, appurtenance, or facility located within a public right-of-way that is authorized by the City to be used for streetcars.

*Streetcar stop* or *station* means a designated stop or shelter or any facility operated for a streetcar service line or served by a Streetcar Operator, including a reasonable area immediately adjacent to any designated stop along the route traveled by any streetcar operated by a Streetcar Operator, and parking areas provided by a Streetcar Operator adjacent to a station.

*Taxicab* means a public passenger motor vehicle with a rated passenger-carrying capacity of five or less, exclusive of the driver, furnished for hire on a call or demand basis to transport persons, packages or messages where the route traveled and trip destination are controlled by the passenger and at a charge or fare based upon time and mileage and recorded and indicated on a taximeter.

*Through highway* or *street* means every highway or street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways or streets is required by law to yield the right-of-way to vehicles on such through highway or street in obedience to a stop sign, yield sign or other official traffic control device, when such signs or devices are erected as provided in this chapter.

*Tow vehicle* means any motor vehicle designed or equipped to, or which does in fact provide for hire, and towing service, including but not limited to towing, lifting, or extraction of any vehicle, pushing of vehicles, engine starting, roll back pick up or recovery, and the carrying or transporting of any vehicle.

*Tow vehicle operator* means any person who drives a tow vehicle, operates the equipment mounted on or contained within a tow vehicle, or assists in the operation of a tow vehicle or its equipment, including any and all acts and functions incident to the movement of a tow vehicle from place to place, as well as all acts involved in the towing of any vehicle by the tow vehicle.

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*Traffic* means pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street or highway for purposes of travel.

*Traffic control signal* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

*Trailer* means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

*Truck* means every motor vehicle designed, used or maintained primarily for the transportation of property.

*Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

*Vehicle* means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices used exclusively upon stationary rails or tracks.

*Vehicle identification number* means the numbers and letters, if any, designated for the purpose of identifying the vehicle or the unique identifier assigned to each vehicle by the manufacturer pursuant to regulations.

(b) Whenever any words and phrases used in this chapter are not defined in this section but are defined in the state or federal laws regulating the operation of vehicles, any such definition in the state or federal law shall be deemed to apply to such words and phrases used in this chapter, except when the context otherwise requires.

**Sec. 70-101. Penalties for violation of chapter.**

(a) *Minor*. If a violation is classified as a “minor traffic violation” under RSMo. § 479.350, the penalty shall not exceed limits imposed under RSMo. § 479.353.

(b) *Non-minor*. For all other ordinance violations in any section of this chapter[, when] the doing of any act is required or is prohibited or is declared to be unlawful or an ordinance violation, and no specific fine or penalty is provided for a violation thereof, any person who shall be convicted of a violation of any such section of this chapter shall, for each offense, be fined not less than \$1.00 and not more than \$500.00, or be punished by imprisonment, for a period of not less than one day and not more than six months, or be punished by both such fine and imprisonment.

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**Sec. 70-137. State vehicle license plates required; exceptions.**

(a) No person shall operate or park any motor vehicle or trailer upon any street or highway of this city unless such motor vehicle or trailer has properly displayed a valid license plate or temporary permit issued to the lawful owner of the vehicle by the department of revenue of the state, except that any person who is a nonresident of the state may operate or park any motor vehicle or trailer upon any street or highway of this city, provided the motor vehicle or trailer has been duly registered for the current year in the state, county or other place of which the owner is a resident, and provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this city the valid license plate or temporary permit is properly displayed on such vehicle or trailer.

(b) Any person operating or parking a motor vehicle or trailer in violation of this section shall be punished by a fine of not less than \$25.00.

**Sec. 70-271. Consumption of alcoholic beverages by operator of moving motor vehicle.**

(a) No person shall consume any alcoholic beverage while operating a moving motor vehicle upon any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in this city.

(b) Every person who is convicted under the provisions of this section shall be punished by a fine of not less than \$100.00.

**Sec. 70-307. Construction zones.**

(a) *Violation.* No person shall drive a vehicle at a speed in excess of the posted maximum limit within a construction zone or work zone.

(b) *Violation less than Five Miles per Hour in Excess.* No person shall drive a vehicle at a speed in excess of the posted maximum limit but less than five miles per hour in excess of the posted maximum limited within a construction or work zone.

(c) *Violation of No Passing Zone.* Where marked by signs to prohibit passing, no person shall drive a vehicle in such manner so as to overtake or pass another motor vehicle within a work zone or construction zone, regardless of the number of marked lanes of travel available to the passing or overtaking vehicle in either direction.

(d) *Penalty.* Any person who shall be convicted of a violation of any subsection of this section shall, for each offense, be fined not less than \$350.00 and not more than \$500.00, or be punished by imprisonment, for a period of not less than one day and not more than six months, or be punished by both such fine and imprisonment.

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**Sec. 70-367. School zones.**

(a) *Violation.* No person shall drive a vehicle at a speed in excess of the posted maximum limit within a school zone.

(b) *Violation less than Five Miles per Hour in Excess.* No person shall drive a vehicle at a speed in excess of the posted maximum limit but less than five miles per hour in excess of the posted maximum limit within a school zone.

(c) *Penalty.* Any person who shall be convicted of a violation of any provision of this section shall, for each offense, be fined not less than \$350.00 and not more than \$500.00, or be punished by imprisonment, for a period of not less than one day and not more than six months, or be punished by both such fine and imprisonment.

**Sec. 70-402. Approaching stationary emergency vehicles.**

(a) Duty to approach emergency vehicles with caution. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:

- (1) Lane change. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or
- (2) Reduce speed. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

(b) *Penalty.* Upon conviction, a person shall be punished by a fine of not less than \$100.00.

**Sec. 70-524. Manner of parking generally.**

(a) *Two-way roadways.* Except as otherwise provided in this chapter, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the righthand wheels parallel to and within 12 inches of the righthand curb or as close as practicable to the edge of the righthand shoulder. A vehicle bearing and properly displaying a valid license plate or placard issued pursuant to RSMo 301.071 or 301.142, or a valid equivalent license plate or placard issued by the state, country or other place of which such vehicle's owner is a resident, may stop or park upon a two-way roadway in a residential parking area as defined in section 70-1 with the lefthand wheels parallel to and within 12 inches of the lefthand curb or as close as practicable to the edge of the lefthand shoulder.

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(b) *One-way roadways.* Except as otherwise provided in this chapter, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked in the direction of authorized traffic movement with the righthand wheels parallel to and within 12 inches of the righthand curb or as close as practicable to the edge of the righthand shoulder, or with the lefthand wheels parallel to and within 12 inches of the lefthand curb or as close as practicable to the edge of the lefthand shoulder.

(c) *Streetcar line roadways.* Where parking is allowed along a streetcar service line, vehicles parked along the curb in a marked parking space shall not be allowed to cross or encroach any part of the vehicle over or onto the pavement surface marking that defines the parking space.

(d) *Violation.* Any person violating any provision of this section shall be punished by a fine of not less than \$25.00.

### **Sec. 70-535. Use of parking spaces for physically disabled persons.**

(a) Whenever authorized signs are erected designating an area for parking for physically disabled persons, no person shall stop a vehicle within that marked area unless that vehicle bears and properly displays a valid distinguishing plate or card issued pursuant to RSMo 301.071 or 301.142, as amended, or, if the owner of the vehicle is a nonresident of the state, a valid duly registered equivalent license plate or card issued by the state, county or other place of which the owner is a resident.

(b) Any owner or operator of a vehicle parked in violation of this section shall be punished by a fine of not less than \$75.00.

(c) It shall be a full and complete defense that an occupant of the vehicle otherwise illegally parked qualified at the time of parking for a distinguishing license plate or card as described subsection (a) of this section.

### **Sec. 70-538. Marked fire lane parking.**

(a) No driver of a vehicle shall stop, park, cause to be placed or leave such vehicle in any marked fire lane except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control signal.

(b) Violation of this section shall be punishable by a fine of not less than \$50.00. The offending vehicle may be towed, at the owner's expense, if such vehicle is not moved within a reasonable time or is a serious obstruction to the fire lane.

### **Sec. 70-594. Deposit of coins and time limits.**

(a) No person shall park a vehicle in any parking space upon a street or in a city-owned or city-operated off-street parking facility alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to

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the parking meter zone in which such meter is located unless a coin or coins of United States currency of appropriate denomination as provided in this division shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and such meter has been placed in operation.

(b) No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This subsection shall not apply to the act of parking or necessary time which is required to deposit immediately thereafter a coin or coins in such meter.

(c) No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than that maximum limited period of time for which the parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amounts of the coins deposited in such meter.

(d) Any person violating any provision of this section shall be punished by a fine of not less than \$15.00.

(e) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter and the state vehicle code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

**Sec. 70-602. Use of off-street parking facilities for physically disabled persons.**

(a) *Disabled parking in general.*

(1) *Identification of vehicles.* Only vehicles displaying a distinguishing license plate issued by the state pursuant to RSMo 301.071, pertaining to license plates for physically disabled veterans, or RSMo 301.142, pertaining to license plates for physically disabled persons, or displaying a distinguishing license plate issued to a physically disabled person by another state, or displaying a distinguishing card issued by the state pursuant to RSMo 301.142, shall be parked in a parking space designated for disabled parking.

(2) *Violations.*

a. Any vehicle which does not display the proper identification as set forth in subsection (a)(1) of this section and which is parked in a parking space designated for disabled parking anywhere within the city is illegally parked.

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- b. It shall be a full and complete defense that an occupant of the vehicle otherwise illegally parked qualified, at the time of parking, for a distinguishing license plate or card as described in subsection (a)(1) of this section.
- (3) *Penalty.* Any owner or operator of a vehicle parked in violation of this section shall be punished by a fine of not less than \$50.00 and may be towed, at the direction of the owner of the parking facility.
- (4) *Right of entry of law enforcement officials.* Law enforcement officials are empowered to enter upon private property open to public use to enforce the provisions of this section.

(b) If a structured parking facility has varied height levels, with the highest height capable physically of accommodating the parking, ingress, and egress routes for high-clearance, wheelchair equipped vehicles, the owner must on appropriate, high-clearance levels and route of the facility, designate a minimum number of disabled parking spaces only for the parking of high-clearance vehicles equipped with wheelchair lifts or ramps, as follows:

- Facilities with 399 spaces or less: 1
- Facilities with 400—799 spaces: 2
- Facilities with 800—1499 spaces: 3
- Facilities with 1500 spaces or more: 4

All spaces on the high-clearance level reserved for high-clearance wheelchair vehicles only shall be in addition to the number of regular disabled parking spaces required by the Code of Ordinances. All high-clearance disabled parking spaces shall include the adjacent marked eight-foot access aisle. In addition, all levels with disabled parking spaces for high-clearance wheelchair vehicles must be clearly marked at the entrances of the levels on which they are available and marked at each high-clearance vehicle parking space as specifically designated for high-clearance vehicles only. For the purposes of this section, "high-clearance vehicle" means a vehicle which exceeds the garage clearance height of the other levels with clearance posted below that of the high-clearance level and such vehicle is equipped with a wheelchair lift or ramp.

- (1) If a parking space is designated for disabled parking for high-clearance vehicles equipped with wheelchair lifts or ramps, any vehicle which is parked in such a parking space and which does not display proper identification as set forth in subsection (a)(1) and which is not equipped with a wheelchair left or ramp and which does not exceed the lower posted clearance levels of the garage, is illegally parked.
- (2) *Penalty.* Any owner or operator of a vehicle parked in violation of this section shall be punished by a fine of not less than \$50.00 and may be towed at the direction of the owner of the parking facility.

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- (3) Right of entry of law enforcement officials. Law enforcement officials are empowered to enter upon private property open to public use to enforce the provisions of this section.

**Sec. 70-641. Abandonment prohibited; removal; presumption of abandonment.**

(a) No person shall abandon a motor vehicle or other personal property upon the streets or highways of this city.

(b) No person shall place or abandon a vehicle or other personal property upon any public or private property without the express or implied consent of the owner or person in lawful possession or control of such property.

(c) Any police officer or other authorized official who has reasonable grounds to believe that a vehicle or other personal property has been abandoned may remove the vehicle or other personal property, or cause it to be removed, at the expense of the owner, to the nearest garage or any other place designated by the city, and shall immediately send a written report of such removal to the police department, which report shall include a description of the vehicle or other personal property, the date, time and place of removal, the grounds for removal, and the name of the garage or place where the vehicle is located. Upon receipt of a report as provided in this subsection, the police department shall notify the registered owner of the vehicle, or any lienholder, giving the grounds for removal and the name of the garage or place where the vehicle is located. If the vehicle is not registered in this state, the police department shall make a reasonable effort to notify the registered owner or any lienholder of the removal and the location of the vehicle. The police department shall forward a copy of the notice to the owner or person in charge of the garage or place where the vehicle is located. The police department shall make all reports and inquiries as required by RSMo § 304.155 through 304.158.

(d) For purposes of this section, a vehicle or other personal property shall be presumed to be abandoned if it is left unattended on a street or highway for a period in excess of 48 hours, if it is left unattended on an interstate highway or freeway for a period in excess of ten hours, or is left on any public or private property without express or implied consent of the owner or person in lawful possession or control of such property; however, within the meaning of this section and that of section 70-642, a vehicle parked in a commercial parking station, as defined in section 52-4, without timely payment of the parking fee posted thereon pursuant to the provisions of section 52-72, shall be deemed prima facie to be parked thereon without the express or implied consent of the owner, lessee or person in lawful possession, charge or control of such commercial parking station.

(e) Any person violating any provision of this section shall be punished by a fine of not less than \$25.00.

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**Sec. 70-831. Generally.**

(a) No person shall drive or move or cause or knowingly permit to be driven or moved on any street or highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter.

(b) No person shall operate any commercial motor vehicle, as defined in this chapter, and used in a commercial enterprise, unless such vehicle is equipped and operated as required by parts 390, 393 and 396, title 49 of the Code of Federal Regulations, as amended, regardless of whether such vehicle is used in intrastate or interstate transportation. This section shall not apply to school buses.

(c) Members of the police department are authorized to enter the cargo area of a commercial motor vehicle to inspect the contents when reasonable grounds exist to cause belief that the vehicle is transporting hazardous materials as defined in this chapter.

(d) The chief of police is authorized to regulate the safety of commercial motor vehicles and trailers as he or she deems necessary to govern and control their operation within the city by promulgating and publishing rules and regulations consistent with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by the chief, require:

- (1) Every commercial motor vehicle and trailer and all parts thereof shall be maintained in a safe condition at all times; and
- (2) Accidents arising from or in connection with the operation of commercial motor vehicles and trailers shall be reported to the chief of police in such detail and in such manner as he or she may require.

(e) A person convicted of violating any provision of subsection (b) of this section shall be punished by a fine of not less than \$50.00.

(f) No person shall operate any commercial motor vehicle, as defined in this chapter and used in a commercial enterprise, unless such driver is qualified and operating the vehicle as required by parts 391, 392, 395 and 397, title 49 of the Code of Federal Regulations, as amended, regardless of whether such vehicle is operated in intrastate or interstate transportation.

(g) Any person convicted of violating any provision of subsection (f) of this section shall be punished by a fine of not less than \$100.00 and not more than \$500.00; or by imprisonment in the place designated by law for not less than two days and not more than six months, or by both such fine and imprisonment.

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**Sec. 70-862. Out of service.**

(a) No person shall drive or move or cause or knowingly permit to be driven or moved on any street or highway any vehicle or combination of vehicles that have been placed out of service and an out of service order has been issued.

(b) No person shall operate any commercial vehicle when they have been placed out of service and an out of service order has been issued.

(c) Any person convicted of violating subsection b of this section shall be punished by a fine of not less than \$500.00 or by imprisonment in the place designated by law for not less than four days and not more than six months, or by both such fine and imprisonment.

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Approved as to form and legality:

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Monica Smith  
Assistant City Attorney