

ORDINANCE NO. 060617

Amending Chapter 70, Code of Ordinances, by repealing Sections 70-1, Definitions, and 70-365, Racing on streets and highways, and enacting in lieu thereof two new sections of like numbers and subject matters and by enacting one new Section 70-366, Spectator or unlawful assembly at drag race or speed competition.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri is hereby amended by repealing Sections 70-1, Definitions and 70-365, Racing on streets and highways, and enacting in lieu thereof two new sections of like numbers and subject matters and by enacting one new Section 70-366, Spectator or unlawful assembly at drag race or speed competition, 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 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.

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

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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:

- (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

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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.

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.

Drag race, preparations for, shall include, but is not limited to, situations in which: (1) a group of motor vehicles or individuals has arrived at a location for the purpose of participating in or being spectators at the event; (2) a group of individuals has lined one or both sides of a public street or highway for the purpose of participating in or being a spectator at the event; (3) a group of individuals has gathered on private property without the consent of the owner, operator, or agent thereof for the purpose of participating in or being a spectator at the event; (4) one or more individuals has impeded or obstructed the free public use of a public street or highway by actions, words, or physical barriers for the purpose of conducting the event; (5) two or more vehicles have lined up with motors running for a drag race or illegal motor vehicle speed competition; (6) one or more drivers is revving his engine or spinning his tires in preparation for the drag race or illegal motor vehicle speed competition; or (7) an individual is stationed at or near one or more motor vehicles serving as a race starter.

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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 combustible 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.

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

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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 curblines 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.

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 issued under, or granted by, the laws of this state, including:

- (1) Any temporary license or instruction permit.

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- (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.

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.

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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.

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.

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:

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- (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;
 - 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.

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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.

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.

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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 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

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activities, but not including buses operated by common carriers in urban transportation of pupils.

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.

Spectator means any individual who is present at a drag race or illegal motor vehicle speed competition, or at a location where preparations are being made for such activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. Spectator includes any individual at the location of the event without regard to whether the individual arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or arriving by some other means.

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.

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,

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yield sign or other official traffic control device, when such signs or devices are erected as provided in this chapter.

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. 70-365. Racing on streets and highways.

Except as provided elsewhere in this chapter, no person shall drive or otherwise engage in, aid or abet any vehicle on a street or highway in any drag race or speed competition or exhibition of speed or acceleration. No person shall, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or drag race upon any street or highway, in any manner obstruct a street or highway or place any barricade or obstruction upon any street or highway. However, the director may issue a permit for any such race, competition, contest, test or exhibition in accordance with the terms and conditions specifically approved for such event by ordinance by the city council.

Sec. 70-366 Spectator or Unlawful Assembly at Drag Race or Speed Competition

(a) Except as provided elsewhere in this chapter, no person shall knowingly be present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, at a drag race or illegal motor vehicle speed competition.

(b) Except as provided elsewhere in this chapter, no person shall be present as a spectator, either on a public street or highway, or on private property without the consent of the owner, operator, or agent thereof, where preparations are being made for a drag race or illegal motor vehicle speed competition

(c) An individual is present at the drag race or illegal motor vehicle speed competition if that individual is within 200 feet of the location of the event, or within 200 feet of the location where preparations are being made for the event.

(d) When two or more persons assemble to witness or participate in a drag race or illegal motor vehicle speed competition such assembly is an unlawful assembly and any person who participates in such unlawful assembly is guilty of an offense.

(e) Exemption: Nothing in this section prohibits law enforcement officers or their agents from being spectators at drag races or speed contests in the course of their official duties.

Approved as to form and legality:

Beth Murano
Assistant City Attorney