

BILL NO. 12-158

ORDINANCE NO. 4390

AN ORDINANCE AMENDING CHAPTER 26 OF THE
CODE OF ORDINANCES OF THE CITY OF CAPE
GIRARDEAU, MISSOURI, REGARDING MOTORIZED
BICYCLES, PROTECTIVE HEADGEAR AND MANNER
OF OPERATION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE
GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. Section 26-346 of the Code of Ordinances of the
City of Cape Girardeau, Missouri, regarding Same-Helmets
required, reading as follows:

Sec. 26-346. Same - Helmets required

(a) Every person operating, or riding as a passenger
on any motorcycle, as defined in RSMo 301.010,
anywhere within the city limits shall wear protective
headgear at all times that the vehicle is in motion.
The headgear shall meet reasonable standards and
specifications established by the state director of
the department of public safety.

(b) The maximum penalty for a violation of the
provisions of this section is twenty-five dollars
(\$25.00). No court costs shall be imposed upon any
person due to such violation.

is hereby repealed in its entirety, and a new Section 26-346
regarding "Helmet required" is hereby enacted in lieu thereof,
in words and figures, to read as follows:

Sec. 26-346. Helmets required

(a) Every person operating, or riding as a passenger
on any motorcycle or motorized bicycle, as defined in
RSMo 301.010, anywhere within the city limits shall
wear protective headgear at all times that the vehicle
is in motion. The headgear shall meet reasonable
standards and specifications established by the state
director of the department of public safety.

(b) The maximum penalty for a violation of the provisions of this section is twenty-five dollars (\$25.00). No court costs shall be imposed upon any person due to such violation.

ARTICLE 2. Section 26-392 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding License to operate motorized bicycle; operation on interstate highway prohibited, reading as follows:

Sec. 26-392. License to operate motorized bicycle; operation on interstate highway prohibited.

(a) No person shall operate a motorized bicycle on any highway or street in this city unless he has a valid operator's or chauffeur's license.

(b) No motorized bicycle may be operated on any public thoroughfare located within this city which has been designated as part of the federal interstate highway system.

is hereby repealed in its entirety, and a new Section 26-392 regarding "License to operate motorized bicycle; operation on certain streets prohibited; passengers prohibited," is hereby enacted in lieu thereof, in words and figures, to read as follows:

Sec. 26-392. License to operate motorized bicycle; operation on certain streets prohibited; manner of operation; passengers prohibited.

(a) No person shall operate a motorized bicycle on any highway or street in this city unless he has a valid operator's or chauffeur's license.

(b) No motorized bicycle may be operated on any highway, street, roadway, or public thoroughfare located within this city which has a speed limit greater than thirty-five (35) miles per hour.

(c) A person operating a motorized bicycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorized bicycle anywhere within the city limits.

(d) It shall be unlawful for any person to ride, operate or manage any motorcycle or motorized bicycle other than in a seated position thereon with one leg on either side thereof, except that the provisions of this article shall not apply to vehicles with three or more wheels.

(e) No person shall ride a motorcycle or motorized bicycle on any street without having his hands upon the handle bars, nor shall any person ride a motorcycle or motorized bicycle upon any sidewalk, walkway or footpath within the city.

ARTICLE 3. Section 26-398 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Penalty for violation, reading as follows:

Sec. 26-398. Penalty for violation.

Any person seventeen (17) years of age or older who violates any provision of this article, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). If any person under seventeen (17) years of age violates any provision of this article in the presence of a peace officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, such officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

is hereby repealed in its entirety, and a new Section 26-398 regarding "Financial responsibility required," is hereby enacted in lieu thereof, in words and figures, to read as follows:

Sec. 26-398. Financial responsibility required.

(a) No owner of a motorized bicycle, as defined in RSMo 301.010, shall operate the motorized bicycle, or authorize any other person to operate the motorized bicycle, unless the owner maintains financial responsibility for said motorized bicycle in the same manner provided for motor vehicles in Section 303.160, RSMo, as amended.

(b) No person shall operate a motorized bicycle owned by another with the knowledge that the owner has not

maintained financial responsibility unless such person has proof of financial responsibility which covers the person's operation of the other's motorized bicycle.

(c) An insurance identification card shall be carried or maintained in every insured motorized bicycle at all times by the motorized bicycle owner.

(d) The operator of an insured motorized bicycle shall exhibit the insurance identification card insuring said motorized bicycle or said operator on demand of any peace officer who lawfully stops such operator or investigates an accident while that officer is engaged in the performance of the officer's duties.

(e) No person shall be found guilty of violating this section if it is demonstrated to the court that said person met the financial responsibility requirements of this section at the time the peace officer wrote the citation.

(f) The following shall suffice as proof of insurance in place of provision of an insurance identification card: A liability insurance policy covering said motorized bicycle, a liability insurance binder, or a receipt for insurance which contains the policy information: name and address of insurer, name of named insured, policy number, effective date of policy, and a description of the insured motorized bicycle, including the VIN number or the word "fleet" if the policy covers five (5) or more motorized bicycles.

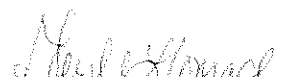
ARTICLE 4. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 5th DAY OF November, 2012.



Harry E. Rediger, Mayor

ATTEST:


Gayle L. Conrad
City Clerk