

BILL NO. 4482

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WEST PLAINS, MISSOURI TO REPEAL AND REPLACE CHAPTER FORTY-FOUR OF THE CODE OF ORDINANCES OF THE CITY OF WEST PLAINS TITLED TRAFFIC & VEHICLES.

WHEREAS, the City of West Plains, Missouri has reviewed Chapter Forty-Four, Traffic & Vehicles, of the Code of Ordinances for the City of West Plains and saw a need for an updated version.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI AS FOLLOWS:

Section 1: Chapter Forty-Four, Traffic & Vehicles, will be replaced with an updated version. (EXHIBIT A).

Section 2: This Ordinance shall be in full force and in effect after the date of its passage and approval.

PASSED AND APPROVED THIS 21st DAY OF FEBRUARY 2017.

CITY OF WEST PLAINS, MISSOURI

BY: _____
MAYOR JACK PAHLMANN

ATTEST:

CITY CLERK MALLORY PREWETT

- **ARTICLE I. - IN GENERAL**

- **Sec. 44-1. - Definitions.**

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:

All-terrain vehicle means any motorized vehicle manufactured and used exclusively for off-highway use that 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.

Alley and *alleyway* mean any street with a roadway of less than 20 feet in width.

Angle parking means the standing of any vehicle, whether occupied or not, upon a highway, road or street in a manner where the longitudinal axes of vehicles form an angle with the alignment of the roadway.

Authorized emergency vehicle means:

(1)

A vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire department, sheriff, constable or deputy sheriff, or traffic officer;

(2)

Any privately owned vehicle operated as an ambulance responding to emergency calls;

(3)

Any privately owned wrecker or tow truck, or a vehicle owned and operated by a public utility or public service corporation while performing emergency service; or

(4)

Any privately owned vehicle operated by a member of the county police department, sheriff, deputy sheriff, constable, deputy constable, coroner, deputy coroner, a member of a police department or fire department of any municipality in the county, a member of an organized fire department, including volunteer firefighter members, and a member of any organized rescue squad in the performance of his official duties, including responding to a police call, fire call, ambulance call, civil emergency call, terroristic-type threat call, or any other emergency-type call, and while at the scene of such call.

Bicycle means every device propelled by human power upon which any person may ride, having two or more tandem wheels, either of which is 20 inches or more in diameter.

Bus means a motor vehicle designed or regularly used for carrying more than ten passengers.

Centerline means a line marking the center of a roadway on which traffic moves in both directions, or dividing the roadway between traffic moving in opposite directions.

Chauffeur means an operator who operates a motor vehicle in the transportation of persons or property, and who receives compensation for such service in wages, salary, commission or fare; or who as owner or employee operates a motor vehicle carrying passengers or property for hire; or who regularly operates a

commercial motor vehicle of another person in the course of or as an incident to his employment, but whose principal occupation is not the operating of such motor vehicle.

Commercial motor vehicle means a motor vehicle designed, maintained or used primarily for the transportation of property.

Congested area means a highway, street or alley intermittently or continuously overcrowded due to a lack of mobility or means and method of progression and where traffic cannot execute regular movements with a reasonable degree of safety.

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.

(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 means the lateral boundaries of that portion of the street designated for the use of vehicles, whether marked with curbstones or not.

Drive-in means a place where the occupants of motor vehicles are served while seated in the vehicle, including, but not limited to, drive-in theaters, restaurants and filling stations.

Driver means any person who drives or is in actual physical control of the vehicle.

Golf Cart is a “motor vehicle” as defined in this section.

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.

Improved highway and *improved street* mean a highway, road or street which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that the highway, road or street presents a hard, durable and smooth traveling surface.

Intersection means the area embraced within the prolongation or connection of the lateral curblines, or, if none, 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 joining at any other angle may come in conflict. Where a highway includes two roadways 30 feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If such intersecting highway also includes two roadways 30 feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection.

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

Live load and *gross load* mean the weight of the cargo of a commercial motor vehicle, in addition to that of the chassis and body of the vehicle.

Motor vehicle means any self-propelled vehicle not operated exclusively on tracks, except farm tractors and motorized bicycles.

Motorbus means a motor vehicle designed or regularly used for transporting more than nine passengers.

Motorcycle means a motor vehicle operated on two wheels.

Motortricycle means a motor vehicle operated on three wheels including a motorcycle while operated with any conveyance, temporarily or otherwise, requiring the use of a third wheel.

No passing zones means zones determined and indicated by signs or markings where overtaking and passing is deemed unsafe and under this chapter is declared unlawful.

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

One-way street and *one-way highway* mean a street or highway where vehicles are required by regulation to move in one direction only and standard signs, signals and markings are so placed as to indicate the direction of such movement.

Operator means any person who is in actual physical control of a vehicle.

Owner means a person who holds the legal title of a vehicle, or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or if the mortgagor of a vehicle is entitled to possession, such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

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

Parking lot means an area on public or private property where spaces are provided gratuitously or for hire for the parking of motor vehicles, provided that nothing in this definition shall be construed to include driveways or other portions of single-family residential lots used by the occupant and his invitees for parking automobiles, nor to spaces on public streets where parking is permitted.

Pedestrian means any person afoot.

Pneumatic tires means tires of rubber or other substance and fabric, inflated with air.

Police or traffic officer means every officer of the city police department or any officer lawfully and duly authorized, deputized, assigned or called upon to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road and *private driveway* mean 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.

Protective headgear means a safety helmet D.O.T. approved designed for wear by the rider and passenger of vehicles for the purpose of mitigating the effects of a blow on the head. Protective headgear may include motorcycle and motorcycle crash helmets, but does not include such items as industrial or construction hardhats; baseball, football or other athletic headgear; or helmets designed for a purpose other than for protective headgear for riders and occupants of vehicles. Safety helmets shall be constructed

essentially to the form of a shell around the head and shall be constructed to absorb impact energy. The shell shall begin above the eyes, covering the forehead, and shall be formed over or on top of the head above a plane level with the base of the shell covering the forehead. It may be formed around the back and sides of the head. The shell of safety helmets shall have a reasonably smooth external surface, and there shall be no external projection greater than one-eighth inch above the outer surface thereof, except a clip for goggles or a face protector where provided for in the construction. Safety helmets shall be constructed of heavy plastic or other durable material that will not deteriorate appreciably when exposed to rain, snow, sleet, sun, cold, dust, vibrations, contact with the skin, effects of sweat or of products applied to the skin or hair, or with age. A safety helmet shall be equipped with a harness or chin strap for maintaining it in position on the wearer's head.

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

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 highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term "roadway" 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 owned by a private, public or governmental agency and operated for the transportation of pupils to or from school, or privately owned and operated for compensation or hire for the transportation of pupils to or from school.

School zone means a space or any portion of a highway, road, street or alley lawfully designated and duly posted for the general safety of persons proceeding to and from any public, private or parochial school.

Service car means a motor vehicle other than a motorbus offered for or engaged in carrying passengers for hire over a designated route and for a fixed fare.

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

Solid tires means tires of rubber or other resilient material, other than pneumatic tires.

Speed limit means the maximum speed as prescribed by ordinance within a zone determined and indicated with numerical signs or markings designating such speeds, travel in excess of which is unlawful under this chapter.

Speed zones means zones determined from an engineering and traffic study, and indicated with posted prima facie speed limit numeral signs or markings, which designate maximum reasonable speeds, travel in excess of which is unlawful under this chapter.

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

Stop, when required, means full and complete cessation from 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 directions of a police officer or traffic control sign or signal.

Street and *highway* mean the entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel.

Taxicab means a motor vehicle other than a bus offered for or engaged in carrying passengers for hire.

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

Time standard. Whenever certain hours are named in this chapter, they shall mean standard time or daylight saving time as may be in current use in the city.

Tractor means any motor vehicle designed primarily for agricultural use or used as a traveling power plant or for drawing other vehicles or farm or road building implements and having no provision for carrying loads independently.

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

Traffic congestion means the act of creating traffic disorder, tumult and perplexity on the part of the other driver, and where mobility of traffic is considered hazardous.

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

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

Trailer means any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle.

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

Utility Vehicle means any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes.

Vehicle means any mechanical device on wheels, designed primarily for use on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons.

Vend and *vending* mean to peddle, sell or display for sale or exhibition any merchandise or materials, which act tends to or may tend to create traffic confusion or congestion and, in the opinion of the authorities having jurisdiction, creates or constitutes a traffic hazard.

(Code 1976, § 18-2; Code 2002, § 90-2; Ord. No. 4138, § 1, 12-21-2009)

State Law reference— Similar provisions, RSMo 300.010.

- **Sec. 44-2. - Conformance to chapter required.**

It shall be unlawful and, unless otherwise declared in this chapter with respect to any particular offense, shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

(Code 1976, § 18-3; Code 2002, § 90-3)

- **Sec. 44-3. - Applicability to public employees.**

The sections of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, the state, the county or the city, and it shall be unlawful for any such driver to violate any of the sections of this chapter, except as otherwise permitted in this chapter or state law.

(Code 1976, § 18-4; Code 2002, § 90-4)

State Law reference— Similar provisions, RSMo 300.095.

- **Sec. 44-4. - Display of state license plate.**

(a) No vehicle shall be operated on any highway or street of this city unless it shall have displayed thereon a current state license plate or plates issued by the state of Missouri or of another state.

(b)

No motor vehicle or trailer owned by a resident of this state shall be operated on any highway of this city unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue and authorized by RSMo 301.140. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors licensed in excess of 12,000 pounds on the front and rear of such vehicles not less than eight nor more than 48 inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on trucks, tractors, truck tractors or truck-tractors licensed in excess of 12,000 pounds shall be displayed on the front of such vehicles not less than eight nor more than 48 inches above the ground, with the letters and numbers thereon right side up. The license plate authorized by RSMo 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

(Code 1976, § 18-8; Code 2002, § 90-5)

State Law reference— Similar provisions, RSMo 301.130(7).

- **Sec. 44-5. - Applicability to persons propelling pushcarts, riding animals or driving animal-drawn vehicles.**

Every person propelling any pushcart or riding an animal upon a highway, road or street and every person driving any animal-drawn vehicle shall be subject to the sections of this chapter applicable to the driver of any vehicle, except those sections of this chapter which by their very nature can have no application.

(Code 1976, § 18-5; Code 2002, § 90-6)

State Law reference— Similar provisions, RSMo 300.085.

- **Sec. 44-6. - Operation of authorized emergency vehicles.**

Every person driving an authorized emergency vehicle upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by this Code or other traffic ordinances of this city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which, by their nature, can have no application.

(1)

The driver of an authorized emergency vehicle, when responding to an emergency call or at the scene of an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(2)

The driver of an authorized emergency vehicle may:

a.

Park or stand, irrespective of the provisions of this section;

b.

Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

c.

Exceed the maximum speed limits so long as he does not endanger life or property;

d.

Disregard regulations governing direction of movement or turning in specified directions.

(3)

The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds an audible signal by siren or while having at least one lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle or a flashing blue light authorized by RSMo 307.175, i.e., a fixed, flashing or rotating blue light.

(4)

Motor vehicles and equipment, whether privately owned or publicly owned, which are operated

by any member of an organized law enforcement agency, fire department, ambulance association, or rescue squad, whether paid or volunteer, in the performance of his official duties, may be operated on streets and highways as an emergency vehicle, including while responding to a fire call, ambulance call, terroristic-type threat call, or civil emergency call, or at the scene of any such call, and while using or sounding a warning siren or using an authorized red light, or using or displaying thereon a fixed, flashing or rotating blue light. Vehicles equipped only with sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped only with sirens and blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, organized law enforcement agency, or organized rescue squad, and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment except as allowed herein or without a valid permit authorizing the use. Violation of this section constitutes a misdemeanor.

(5)

The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Code 1976, § 18-6; Code 2002, § 90-7; Ord. No. 4138, § 2, 12-21-2009)

State Law reference— Similar provisions, RSMo 300.100.

- **Sec. 44-7. - Use of roller skates or toy vehicles.**

(a)

No person upon roller skates or riding in, on or by means of any coaster, skateboard, toy vehicle or similar device shall go upon any highway, road or street, except while crossing such highway, road or street on a crosswalk. When so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

(b)

This section shall not apply upon any street while set aside as a play street as authorized by city ordinance.

(Code 1976, § 18-7; Code 2002, § 90-8)

State Law reference— Similar provisions, RSMo 300.090.

- **Sec. 44-8. - Clinging to moving vehicles.**

No person riding upon any bicycle, motorized bicycle, coaster, sled, roller skates or any toy vehicle shall attach the bicycle, motorized bicycle, coaster, sled, roller skates or toy vehicle or himself to any moving vehicle upon any roadway.

(Code 1976, §§ 18-9, 18-330; Code 2002, § 90-9)

State Law reference— Similar provisions, RSMo 300.350.

- **Sec. 44-9. - Notice of accident.**

- (a) The driver of a vehicle involved in an accident shall not leave the scene of the accident until he/she has given the other person his/her insurance information, identification, driver license number, address, and phone number.
- (b) If the injured party is not present at the scene of the accident the other party involved in the accident resulting in injury to or death of any person or property damage shall immediately by the quickest means of communication give notice of such accident to the police department if the accident occurs in the city limits.

(Code 1976, § 18-10; Code 2002, § 90-10)

State Law reference— Similar provisions, RSMo 300.110.

- **Sec. 44-10. - Notice of accident required of occupant when driver incapacitated.**

- (a) Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in [section 44-9](#) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.
- (b) Whenever the driver is physically incapable of making a written report of an accident as required in RSMo 300.115 and such driver is not the owner of the vehicle, the owner of the vehicle involved in such accident shall within five days after the accident make such report not made by the driver.

(Code 1976, § 18-11; Code 2002, § 90-11)

State Law reference— Similar provisions, RSMo 300.120.

- **Sec. 44-11. - Use of skateboards.**

- (a) Within the city, no person may ride or permit another to use his skateboard in or on any alleys, streets, roads or highways, or other publicly maintained street or parking lot intended for vehicular use. This prohibition shall include, but not be limited to, all of Peoples Park (including, but not limited to, the parking lots, walking trails and pavilion), the city civic center parking lot, grounds and sidewalks and the city public library parking lot, grounds and sidewalks.
- (b) Within the city, no person may ride or permit another to use his skateboard in or on any sidewalk within a business district. Whenever any person is riding a skateboard upon a sidewalk in any other district, such person shall yield the right-of-way to any pedestrian.
- (c) Within the city, no person may ride or permit another to use his skateboard in or on any business parking lot, private parking lot, church grounds or parking lot, or public or private school grounds or parking lot, if the responsible authority in charge of such areas shall have caused to be posted, in a conspicuous place, a sign or other form of notification reasonably designed to give notice that such use of skateboards is prohibited.

(Code 2002, § 90-12; Ord. No. 3655, 9-20-1999)

- **Sec. 44-12. - Climbing on trains.**

No person shall climb or mount or be on or in any caboose or boxcar or cling to the sides or any part of any railway engine, train or car, whether it is in motion or not. This section shall not apply to persons in the employ of the railroad company nor to persons properly entering railway cars as passengers.

(Code 1976, § 21-53; Code 2002, § 58-82)

- **Secs. 44-13—44-40. – Reserved**

- **ARTICLE II. - ADMINISTRATION AND ENFORCEMENT**

- **Sec. 44-41. - Authority granted to city.**

City officials are hereby authorized to perform the following acts with regard to traffic:

(1)

Paint, mark, place, erect and maintain official signs, signals and markings or traffic control devices, as authorized in this chapter or by state law, on the surface, suspended over with legal clearance, or by the side of the traveled highway, as informational to the traveling public and as a warning to all vehicle operators and pedestrians;

(2)

Designate and establish speed, safety and hazard zones of such kind, character and number, and at such places, as deemed warranted and necessary, which will be of the greatest benefit to the general public;

(3)

Erect warning and informational signs or markings at a distance from certain locations which are deemed by them to be dangerous and hazardous, and such other informational signs deemed beneficial to the general public or as a warning to the general public;

(4)

Designate and mark lanes for traffic and no passing zones, as they are deemed warranted and beneficial to the general public, consistent with state laws and this chapter;

(5)

Erect or place signs and markings establishing crossovers or crosswalks or prohibiting or restricting the stopping, standing or parking of vehicles on any highway where, in their opinion, such stopping, standing and parking of any vehicle or obstruction would unduly interfere with the free movement of traffic thereon;

(6)

Designate, establish and prescribe rules and regulations for the operation of bus stops, loading and unloading zones and taxicab stands, and in such places and in such manner as they shall de-

termine to be of the greatest benefit and convenience to the public, which bus stops, loading and unloading zones and taxicab stands shall be designated by appropriate signs;

(7)

Prescribe rules and regulations for the vending, display or sale of merchandise and other wares or products upon any portion of the highways, streets and alleys in the city;

(8)

Designate, post and mark one-way roadways, rotary traffic islands and city squares for one-way traffic to the right; and

(9)

Designate certain highways, streets and alleys in the city as throughways or through streets and highways.

(Code 1976, § 18-23; Code 2002, § 90-41)

- **Sec. 44-42. - Enforcement by police or other officers.**

It shall be the duty of the city police officers or such officers as are duly and lawfully assigned by the chief of police to enforce all of the city traffic laws and all of the state vehicle laws applicable in the city.

(Code 1976, § 18-24; Code 2002, § 90-42)

State Law reference— Similar provisions, RSMo 300.075(1).

- **Sec. 44-43. - Authority to direct traffic by hand or voice.**

Any police officer who is duly and lawfully assigned by the chief of police is hereby authorized to direct all traffic by voice, hand or signal in conformance with the traffic laws; provided that if a fire or other emergency occurs or to expedite traffic or to safeguard pedestrians, such officers of the police department may direct traffic as conditions may require, notwithstanding the traffic laws.

(Code 1976, § 18-25; Code 2002, § 90-43)

State Law reference— Similar provisions, RSMo 300.075(2).

- **Sec. 44-44. - Obedience to police officers and fire department officials.**

No person shall fail or refuse to comply with any lawful order, signal or direction of a police officer or fire department official.

(Code 1976, § 18-26; Code 2002, § 90-44)

State Law reference— Similar provisions, RSMo 300.080.

- **Sec. 44-45. - Uniform traffic ticket.**

(a)

In traffic cases, the complaint or information and summons shall be in the form known as the uniform traffic ticket, substantially the same as set out in Rule 37.1162, adopted by the state supreme court, and such form shall be made applicable and available for use in the municipal court.

(b)

The uniform traffic ticket shall consist of four parts as follows:

(1)

The complaint or information printed on white paper;

(2)

The abstract of the court record for the state licensing authority, which shall be a copy of the complaint or information printed on blue paper;

(3)

The police record, which shall be a copy of the complaint or information printed on yellow paper; and

(4)

The summons printed on white stock.

(c)

The reverse sides shall be as set out by law. The notice and appearance, plea of guilty and waiver shall be printed on the summons.

(d)

The complaint or information form shall be used in traffic cases, whether the complaint is made by a police officer or by any other person, or the information is made by the city attorney.

(e)

The uniform traffic ticket for the city shall be in the form prescribed by law.

(Code 1976, § 18-27; Code 2002, § 90-45)

- **Secs. 44-46—44-63. - Reserved**

- **ARTICLE III. - OPERATION**
- **DIVISION 1. - GENERALLY**

- **Sec. 44-64. - Duty to maintain financial responsibility.**

(a)

No owner of a motor vehicle registered in this state or required to be registered in this state shall operate the vehicle or authorize any other person to operate the vehicle, unless the owner maintains the financial responsibility as required by the laws of this state. Furthermore, no person shall operate a mo-

tor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility, unless such person has financial responsibility which covers the person's operation of the owner's vehicle as required by this state. It shall be the duty of the operator to make reasonable inquiry regarding financial responsibility if the vehicle is owned by another.

(b)

The operator of a motor vehicle shall exhibit proof of financial responsibility as required by this state on the 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. If the operator fails to exhibit proof of financial responsibility, the officer shall notify the state director of revenue, in the manner determined by the director, and the officer may issue a citation to the operator for failure to exhibit proof of financial responsibility.

(Code 1976, § 18-95; Code 2002, § 90-71)

- **Sec. 44-65. - License required.**

(a)

No person shall operate a motor vehicle on the city streets unless he has a valid license which is current, unrevoked and not under suspension, issued to such person by this state or the state of his residence.

(b)

Such license shall be carried at all times by the holder thereof while driving a motor vehicle and shall be displayed to any police or traffic officer or any other duly authorized person for inspection when demand is made therefor. Failure of an operator to exhibit his license to a police or traffic officer or other duly authorized officer, upon demand, shall be presumptive evidence that such person is not a duly licensed motor vehicle operator.

(Code 1976, § 18-96; Code 2002, § 90-72)

State Law reference— Operation of vehicle without proper license prohibited, RSMo 302.020.

- **Sec. 44-66. - Operation of motor vehicle by child.**

No person shall cause or knowingly permit his child or ward under the age of 16 years to drive a motor vehicle upon any street or highway when such minor is not authorized under RSMo ch. 302 or is in violation of any of the provisions of RSMo 302.010—302.260.

(Code 1976, § 18-97; Code 2002, § 90-73)

State Law reference— Similar provisions, RSMo 302.250; persons under the age of 16 not to operate a motor vehicle, RSMo 564.470.

- **Sec. 44-67. - Operation of motor vehicle by unlicensed person.**

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street or highway by any person who is not authorized to do so under the laws of the state.

(Code 1976, § 18-98; Code 2002, § 90-74)

State Law reference— Similar provisions, RSMo 302.260.

- **Sec. 44-68. - Operation of motorcycle by unauthorized person prohibited.**

No person shall authorize or knowingly permit a motorcycle or other two- or three-wheeled self-propelled vehicle owned by him or under his control to be driven upon any street or highway by any person whose operator's license does not indicate that the person has passed the examination for the operation of a motorcycle or that the person has not been issued an instruction permit therefor.

(Code 1976, § 18-99; Code 2002, § 90-75)

- **Sec. 44-69. - Use of fictitious license or license of another.**

It shall be unlawful for any person to:

- (1) Display or permit to be displayed or have in his possession any license knowing the license to be fictitious or to have been canceled, suspended, revoked, disqualified or altered.
- (2) Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof.
- (3) Display or to represent as one's own any license not issued to the person so displaying the license.

(Code 1976, § 18-100; Code 2002, § 90-76)

State Law reference— Similar provisions, RSMo 302.220.

- **Sec. 44-70. - Duty to drive with care.**

- (a) Every person operating a motor vehicle shall operate and drive the vehicle in a careful and prudent manner, exercising the highest degree of care and at a rate of speed so as not to endanger property of another or the life or limb of any person.
- (b) Any person found guilty of violating subsection (a) of this section shall be punished as provided in [section 1-10](#).

(Code 1976, § 18-101; Code 2002, § 90-77)

• **Sec. 44-71. - Driving while intoxicated or under the influence.**

(a)

Definition. As used in this section, the term "percent by weight of alcohol" shall have the same meaning as provided by state law in RSMo 577.012.

(b)

Driving while intoxicated, drugged. A person commits the offense of driving while intoxicated or driving under the influence of drugs if he operates a motor vehicle while in an intoxicated or drugged condition.

(c)

Excessive blood alcohol content. A person commits the offense of driving with excessive blood alcohol content if he operates a motor vehicle with 8/100 of one percent or more by weight of alcohol in his blood.

(d)

Implied consent. Any person who operates a motor vehicle shall be deemed to have given his consent to a chemical test of his breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of his blood. Such tests shall be performed according to the provisions of state law in RSMo 577.020—577.041, inclusive.

(e)

Reports to highway patrol. A record of the final disposition and any court proceedings involving a violation of subsection (b) or (c) of this section shall be forwarded to the state highway patrol within 15 days by the clerk of the court.

(f)

Penalties. Penalties for violation of this section shall be as follows:

(1)

Any person convicted of driving while intoxicated shall be fined in an amount as provided in the city fee schedule or confined in the city jail for not more than 90 days, or by both such fine and confinement. The court may suspend the imposition of sentencing for a first offense, and if the court does suspend imposition of sentencing the period of probation shall be for a period of two years. The court shall impose as conditions of the probation such conditions as the court deems proper in the cause, including, but not limited to, requiring the defendant to attend and successfully complete an alcohol- or drug-related traffic offender education or rehabilitation program as prescribed in RSMo 577.049.

(2)

Any person convicted of driving with blood alcohol content in excess of 8/100 of one percent by weight shall be punished in accordance with [section 1-10](#).

(3)

Upon a plea of guilty or a finding of guilty for an offense of driving while intoxicated or in a drugged condition or driving with the blood alcohol content in excess of 8/100 of one percent by weight, the court may, as a condition for suspending any permissible portion of any sentence or in addition to imposing any other penalties allowed by law, order the convicted person to participate in and successfully complete an alcohol- or drug-related traffic offender education or rehabilitation program as described in RSMo 577.049, and a victim impact panel class.

(4)

Reimbursement of cost for alcohol- and drug-related offenses shall be made as follows:

- a. Upon a plea of guilty, finding of guilt or conviction for violation of this section, the court may, in addition to imposition of any penalties provided by law, order the person to reimburse law enforcement authorities for the costs associated with such arrest.
- b. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical tests to determine the alcohol or drug content of the person's blood, and the cost of processing, charging, booking, and holding such person in custody.
- c. Law enforcement authorities may establish a schedule of such costs for submission to the court; however, the court may order the costs reduced if it determines that the schedule of costs is excessive given the circumstances of the case or for good cause shown.
- d. These fees shall be calculated as additional costs by the municipal court and shall be collected by the court in the same manner as other costs and fees are collected and remitted to the city treasurer.
- e. The city treasurer shall retain these fees in a separate fund known as the DWI/drug enforcement fund. Monies within the DWI/drug enforcement fund shall be appropriated by the city council to law enforcement authorities from such fund in amounts equal to those costs so incurred and shall be specifically used to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the city.

(Code 1976, § 18-102; Code 2002, § 90-78)

- **Sec. 44-72. - Careless and reckless driving.**

- (a) Any person who drives any vehicle or bicycle with a willful and wanton disregard for the safety of persons, property, life, limb or traffic shall be deemed guilty of careless and reckless driving.
- (b) Every person who is convicted of careless and reckless driving shall be punished as provided by law.

(Code 1976, § 18-105; Code 2002, § 90-79)

- **Sec. 44-73. - Duty to keep to right.**

Upon all public roads or highways of sufficient width, a vehicle shall be driven upon the right half of the roadway, not crossing into the oncoming lanes of traffic, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement.
- (2)

When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of RSMo 304.014—304.026 or traffic regulations thereunder or of the city.

(3)

When the right half of a roadway is closed to traffic while under construction or repair.

(4)

Upon a roadway designated by city ordinance as a one-way street and marked or signed for one-way traffic.

(Code 1976, § 18-106; Code 2002, § 90-80)

State Law reference— Similar provisions, RSMo 304.015.

- **Sec. 44-74. - Right-of-way between vehicles with no traffic control signs or signals.**

(a)

The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway; provided, however, there is no form of traffic control at such intersection.

(b)

When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn.

(c)

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(Code 1976, § 18-107; Code 2002, § 90-81)

State Law reference— Similar provisions, RSMo 304.351.

- **Sec. 44-75. - Duty of drivers upon approach of authorized emergency vehicle.**

(a)

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of state law or a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b)

This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Code 1976, § 18-108; Code 2002, § 90-82)

State Law reference— Similar provisions, RSMo 300.105.

- **Sec. 44-76. - Following fire apparatus.**

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park his vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(Code 1976, § 18-109; Code 2002, § 90-83)

State Law reference— Similar provisions, RSMo 300.300.

- **Sec. 44-77. - Crossing fire hose.**

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any public road, street, alley or private driveway, parking lot or drive-in, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(Code 1976, § 18-110; Code 2002, § 90-84)

State Law reference— Similar provisions, RSMo 300.305.

- **Sec. 44-78. - Stop for school bus.**

(a)

The driver of a vehicle upon any public road, alley or highway, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging schoolchildren and whose driver has, in the manner prescribed by law, given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until signaled by its driver to proceed.

(b)

The driver of a vehicle upon a road or highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway.

(c)

The driver of a vehicle need not stop upon meeting a school bus which is proceeding in the opposite direction on a highway containing four or more lanes of traffic.

(Code 1976, § 18-111; Code 2002, § 90-85)

State Law reference— Similar provisions, RSMo 304.050.

- **Sec. 44-79. - Manner of discharging or taking on school bus passengers.**

No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four or more lanes of traffic, whether or not divided by a median or barrier, in such a manner as to require the passengers to cross more than two lanes of traffic; nor shall he take on or discharge passengers while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least 300 feet in each direction to drivers of other vehicles upon the highway or road, and then only for such time as is actually necessary to take on and discharge passengers.

(Code 1976, § 18-112; Code 2002, § 90-86)

State Law reference— When school bus drivers are required to stop, RSMo 304.050.

- **Sec. 44-80. - Following too closely.**

new (a)

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and his ability to stop if necessary and the traffic upon and condition of the roadway.

(b) No driver shall strike the rear of another vehicle proceeding in the same direction whether the vehicle is moving or stopped without the consent of the other driver.

(Code 1976, § 18-113; Code 2002, § 90-87)

State Law reference— Distance at which vehicles must follow, RSMo 304.017.

- **Sec. 44-81. - Overtaking and passing generally.**

(a)

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions stated:

(1)

The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left side thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2)

Except when being overtaken and passed on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(b)

The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

(1)

When the vehicle overtaken is making or about to make a left turn;

(2) Upon a highway, road or street with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction;

(3) Upon a one-way street; or

(4) Upon any highway, road or street with unobstructed pavement of such width and clearly marked for four or more lanes of traffic; provided the driver of a motor vehicle may overtake and pass another vehicle upon the right under such conditions only when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main-traveled portion of the roadway; however, this subsection shall not relieve a driver from the duty to drive as closely as practicable to the right-hand edge of the roadway.

(c) Except when a roadway has been divided into three traffic lanes, no vehicle shall be driven to the left side of the centerline of a roadway or public road in overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

(d) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard if another vehicle might approach from the opposite direction.

(2) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel, or when approaching within 100 feet of or at any railroad grade crossing.

(e) The driver of a vehicle shall not change lanes when another vehicle is so close that it is unsafe to do so.

(Code 1976, § 18-114; Code 2002, § 90-88)

State Law reference— Similar provisions, RSMo 304.016.

- **Sec. 44-82. - Passing within intersections.**

No driver of a vehicle proceeding on any two-laned roadway shall overtake and pass another vehicle moving in the same direction within an intersection.

(Code 1976, § 18-115; Code 2002, § 90-89)

- **Sec. 44-83. - Limitations on backing vehicles.**

The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety without endangering the life, limb, or property of another or without interfering with other traffic.

(Code 1976, § 18-116; Code 2002, § 90-90)

State Law reference— Similar provisions, RSMo 300.335.

- **Sec. 44-84. - Driving on sidewalks.**

No driver of any vehicle shall drive within any sidewalk area, except at a permanent or temporary driveway.

(Code 1976, § 18-117; Code 2002, § 90-91)

State Law reference— Similar provisions, RSMo 300.330.

- **Sec. 44-85. - Driving across freshly painted street markings.**

No driver of a vehicle shall drive across any freshly painted lines or markings upon any street or highway in the city which are designated by flags or cones.

(Code 1976, § 18-118; Code 2002, § 90-92)

- **Sec. 44-86. - Damaging streets or public places.**

No person shall drive, convey or operate upon, over or across any improved public street or highway or other public place in the city any wagon, engine, tractor, truck or vehicle of any kind having on its wheels any clamps, ridges, extensions, projections, bars, bolts, rods, curves, gutters or other contrivances that will cut or mash holes, gashes or crevices into the streets or otherwise tear up, injure or damage such streets, or any part thereof.

(Code 1976, § 18-119; Code 2002, § 90-93)

- **Sec. 44-87. - Passenger limitations.**

It shall be unlawful to operate a motor vehicle which has more than three persons over the age of 16 years in the front seat, nor shall any person extend any part of his body outside the vehicle except the hand and arm for signaling purposes only.

(Code 1976, § 18-120; Code 2002, § 90-94)

- **Sec. 44-88. - Opening and closing vehicle doors.**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(Code 1976, § 18-121; Code 2002, § 90-95)

State Law reference— Similar provisions, RSMo 300.340.

- **Sec. 44-89. - Riding on motorcycles.**

(a)

No person shall operate or ride upon a motorcycle unless seated upon a permanent or regular seat attached thereto, and such operator shall not carry another person nor shall any other person ride upon a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride while seated upon a permanent and regular seat designed for two persons or while seated upon another seat firmly attached to the rear or side of the operator. For the purpose of this section, a motorcycle shall not be considered as designed to carry more than one person unless a footrest is installed.

(b)

No person shall operate or ride as a passenger on any motorcycle unless such person is wearing protective headgear at all times the vehicle is in motion.

(c)

The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto and shall not permit more than one person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one person. Any motorized bicycle designed to carry more than one person must be equipped with a passenger seat and footrests for the use of a passenger.

(Code 1976, § 18-122; Code 2002, § 90-96)

State Law reference— Similar provisions, RSMo 300.345.

- **Sec. 44-90. - Overweight vehicles.**

When signs are erected giving notice thereof, no person shall operate a vehicle or motor vehicle, the gross weight of which, including the load, exceeds the weight indicated upon any of the streets or parts of streets described in an ordinance of the city council.

(Code 1976, § 18-123; Code 2002, § 90-97)

- **Sec. 44-91. - Commercial vehicles.**

When signs are erected giving notice thereof, no person shall operate commercial motor vehicles except commercial vehicles providing services for the city or its designee and local trucks making or receiving deliveries to or from residents on such streets of goods, wares, merchandise, household deliveries, and construction supplies and materials, including household moving trucks, upon any of the streets or parts of streets designated by the city council.

(Code 1976, § 18-124; Code 2002, § 90-98; Ord. No. 4240, § 1, 9-19-2011)

- **Sec. 44-92. - Dangerously or carelessly loaded vehicles.**

No person shall drive a vehicle in an overloaded condition or when any part of the load is likely to fall upon and litter the street or cause injury or damage to persons or property, nor shall he permit any part of the load to fall upon and remain on the street, nor shall he drive when any part of the load extends more than 24 inches beyond the vehicle without attaching to such extending part a red flag during the day or a red light at night.

(Code 1976, § 18-125; Code 2002, § 90-99)

- **Sec. 44-93. - Entrance to and exit from restricted access roads.**

No person shall drive a vehicle onto or from any limited access roadway, except at such entrances and exits as are established by public authority.

(Code 1976, § 18-126; Code 2002, § 90-100)

- **Sec. 44-94. - Driving on divided highways.**

Whenever any highway has been divided into two roadways leaving an intervening space or a physical barrier or a clearly indicated divided section which seeks to avoid friction between opposing movements of traffic and so constructed or marked, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such clearly constructed or marked dividing space, barrier or section, except through an opening therein or at crossover or intersection established by public authority.

(Code 1976, § 18-127; Code 2002, § 90-101)

- **Sec. 44-95. - Seat belts and child restraint devices.**

(a)

As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons, except that the term "passenger car" shall

not include motorcycles, motorized bicycles, motortricycles and trucks with a gross weight of 12,000 pounds or more.

(b)

Each driver and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons less than 18 years of age operating or riding in a truck, as defined in RSMo 301.010, on a street or highway of this state shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that a child less than four years of age shall be protected as required in RSMo 307.179. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection. This subsection shall not be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law.

(c)

Each driver of a motor vehicle transporting a child four years of age or more, but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt.

(d)

No person shall be stopped, inspected or detained solely to determine compliance with subsection (b) of this section.

(e)

Subsections (b) and (c) of this section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about his body or to any person employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from the vehicle or which require frequent entry into and exit from the vehicle.

(f)

Each driver who violates subsection (b) or (c) of this section shall, upon conviction, be subject to a fine not to exceed \$10.00. All other provisions of law and court rule to the contrary notwithstanding, no court costs may be imposed if court costs have been assessed on any other charge arising out of the same occurrence.

(g)

Every person transporting a child under the age of four years on the city streets or highways shall be responsible for transporting such child in a child passenger restraint system approved by the state department of public safety. Any person who violates this subsection shall, upon conviction, be punished by a fine and court costs under Section 1-10.

(Code 1976, § 18-128; Code 2002, § 90-102)

- **Sec. 44-96. - Passengers in truck beds.**

No person shall operate any truck, as defined in RSMo 301.010, with a licensed gross weight of less than 12,000 pounds when such truck or vehicle pulling a trailer is operated within the corporate limits when any person under 18 years of age is riding in the unenclosed bed of such truck or trailer. No person under 18 years of age shall ride in the unenclosed bed of such truck or trailer when the truck or trailer is in operation. Any person who operates a truck with a licensed gross weight of less than 12,000 pounds or a vehicle pulling a trailer in violation of this section shall, upon conviction, be punished by as provided in section 1-10, plus court costs. This section shall not apply to the following:

(1)

- An employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;
- (2) Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;
- (3) Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan or exhibition which is authorized by law;
- (4) Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, from falling, or from jumping from the truck;
- (5) Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating. The term "special event," for the purposes of this subsection, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;
- (6) Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or
- (7) Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in such truck. For the purposes of this subsection, the term "family" shall mean any persons related within the first degree of consanguinity.

(Code 1976, § 18-129; Code 2002, § 90-103)

- **Sec. 44-97. - Business lots.**

- (a) No person shall drive a motor vehicle into any business lot in the city and then exit such lot within first having stopped, parked the car, and then exited the vehicle.
- (b) No person shall park a motor vehicle in any business lot in the city unless parking the vehicle there for the purpose of going to one of the businesses which the lot serves.
- (c) Any person violating this section shall, upon conviction, be punished as provided in section 1-10.

(Code 1976, § 18-333; Code 2002, § 90-104)

- **Sec. 44-98. - Changing lanes on approach to stationary emergency vehicle.**

Upon approaching a stationary emergency vehicle displaying flashing or rotating red, blue, amber, white or any combination of lights, the driver of every motor vehicle shall:

- (1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change, if possible, into a lane not adjacent to that of the stationary emergency 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) 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.

(Code 2002, § 90-105; Ord. No. 4039, § 1, 8-20-2007)

- **Sec. 44-99. - Construction zones established; moving violations.**

- (a) For the purposes of this section, the term "construction zone" shall mean any section of roadway in the city where construction or major maintenance operations are being affected.
- (b) Any such construction zone shall be designated by posting a sign indicating the presence of construction or major maintenance work.
- (c) Upon approaching a posted construction zone, the driver of every motor vehicle shall not:
 - (1) Exceed the posted speed limit;
 - (2) Fail to stop for a construction zone flagman or fail to obey traffic control devices erected in the construction zone for purposes of controlling the flow of motor vehicles through the zone;
 - (3) Drive through or around a construction zone by any lane not clearly designated to motorists for the flow of traffic through or around the construction zone;
 - (4) Physically assault, or attempt to assault, or threaten to assault a construction worker in a construction zone, with a motor vehicle or other instrument;
 - (5) Intentionally strike, move, or alter barrels, barriers, signs, or other devices erected to control the flow of traffic to protect workers and motorists in the construction zone for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

(Code 2002, § 90-106; Ord. No. 4039, § 1, 8-20-2007)

- **Sec. 44-100. - Overnight parking of trailers on street or right-of-way.**

It shall be unlawful for any person to camp overnight, or to park an occupied trailer or vacation trailer overnight, upon any public street, including the street right-of-way. This section shall not apply in cases where a mobile home or trailer is parked for the purpose of making emergency repairs.

(Code 2002, § 103-6; Ord. No. 4115, § 1, 5-18-2009)

- **Secs. 44-101—44-129. - Reserved.**

- **DIVISION 2. - SPEED⁽¹⁾**

- **Sec. 44-130. - Driving in excess of posted limits.**

No person shall operate a vehicle on any road, street, highway, parking lot or drive-in or on any driveway or access road thereto at a rate of speed in excess of posted limits. The operator of such vehicle is charged with the duty of operating at such lesser speed as will be consistent with the safety of others using such places, taking into consideration the amount of vehicular and pedestrian traffic, the visibility and atmospheric conditions and condition of the pavement.

(Code 1976, § 18-140; Code 2002, § 90-132)

- **Sec. 44-131. - Posting of limits; maximum speed on unposted highways, roads and streets.**

(a)

All highways, roads and streets or portions thereof on which a speed limit has been established shall be marked by signs, erected under the supervision of the director of Street Supervisor, at the beginning and end of such designated portions of highways, roads or streets indicating the speed limit established.

(b)

Notwithstanding subsection (a) of this section, the speed limit shall be 25 miles per hour on all highways, roads and streets or portions thereof on which a speed limit has not been otherwise established and marked by signs.

(c)

A sign so stating in subsection (b) of this section, shall be posted on all state highways and county roads entering the city.

(Code 1976, § 18-141; Code 2002, § 90-133)

- **Sec. 44-132. - Slow speed; impeding traffic.**

No person shall operate or drive a vehicle at such a slow speed or in such position on any highway, street or alley in the city as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or when upon a grade or when the vehicle is a truck or trailer proceeding at a reduced speed necessarily or in compliance with law.

(Code 1976, § 18-142; Code 2002, § 90-134)

State Law reference— Similar provisions, RSMo 304.011.

- **Sec. 44-133. - School zones.**

(a)

Speed limit established. No person shall drive or operate a motor vehicle in excess of 15 miles per hour in an area which has been designated as a school zone or as otherwise posted.

(Code 1976, § 18-143; Code 2002, § 90-135)

- **Secs. 44-134—44-164. - Reserved.**

- **DIVISION 3. - STOP AND YIELD RIGHT-OF-WAY**

- **Sec. 44-165. - Stops at railroad crossings.**

(a)

Definition. As used in this section, the term "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway except devices moving by human power or used exclusively upon stationary rails or tracks.

(b)

Approach to crossing. The driver of a vehicle approaching all railroad crossings in the city, including Grace Avenue, Howell Avenue, St. Louis Street, Washington Avenue, Lincoln Avenue, Thornburg Street and all other railroad crossings, shall come to a complete stop before proceeding to cross the railroad tracks at such places.

(c)

Signal device giving warning. The driver of a vehicle approaching a railroad crossing, when the signal device gives warning of the immediate approach of a train, shall stop within 50 feet but not less than ten feet from the nearest track of such railroad and shall not proceed until he can do so safely.

(d)

Crossing gate, flagman or automatic signal. The driver of a vehicle shall stop at and not traverse such grade crossing when a crossing gate is lowered or when a flagman or automatic signal warns of the approach of a train.

(e)

School buses and passenger-carrying vehicles. The driver of any motor vehicle carrying passengers for hire or any school bus carrying any schoolchildren or any vehicle carrying explosives or flammable liquid as cargo shall stop such vehicle within 50 feet but not less than ten feet from the nearest rail of the tracks and shall listen and look in both directions along such tracks from which a train might come before proceeding across such tracks at a grade crossing. However, no such stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.

(f)

Bicycles. All operators of bicycles shall come to a complete stop before proceeding to cross the railroad tracks at all railroad crossings in the city.

(g)

Penalty. Any person in violation of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided in [section 1-10](#).

(Code 1976, § 18-154; Code 2002, § 90-161)

- **Sec. 44-166. - Designation of through streets.**

Those highways, roads, streets and parts of highways, roads and streets designated by the city council are hereby declared to be through highways, roads or streets for the purpose of this division.

(Code 1976, § 18-155; Code 2002, § 90-162)

State Law reference— Similar provisions, RSMo 300.255.

- **Sec. 44-167. - Stop or yield signs to designate through intersections.**

Whenever any section of this chapter or other city ordinance designates and describes a through street, it shall be the duty of the director of public works to place and maintain a stop sign at any intersection thereof or, on the basis of an engineering and traffic investigation, a yield sign on each and every street intersecting the through street, unless traffic at any such intersection is controlled at all times by traffic control signals. However, at the intersection of two through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets, as may be determined by the director of public works upon the basis of an engineering and traffic study.

(Code 1976, § 18-156; Code 2002, § 90-163)

State Law reference— Similar provisions, RSMo 300.260.

- **Sec. 44-168. - Stop or yield signs at intersections other than through streets.**

The city council is hereby authorized to determine and designate intersections where a particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one or more entrances to any such intersection. Upon such determination and designation, it shall cause to be erected a stop sign at every such place where a stop is required. If the council determines whether vehicles shall yield the right-of-way

to vehicles on a different street at such intersection as prescribed in this division, it shall cause to be erected a yield sign at every place where obedience thereto is required.

(Code 1976, § 18-157; Code 2002, § 90-164)

State Law reference— Similar provisions, RSMo 300.265.

- **Sec. 44-169. - Duty of driver approaching stop sign.**

Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by RSMo 300.270(2) and, after having stopped, shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

(Code 1976, § 18-158; Code 2002, § 90-165)

State Law reference— Similar provisions, RSMo 300.275.

- **Sec. 44-170. - Stop when traffic obstructed.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(Code 1976, § 18-159; Code 2002, § 90-166)

State Law reference— Similar provisions, RSMo 300.290.

- **Sec. 44-171. - School stops.**

At those street intersections or crosswalks lawfully designated as school stops, signs shall be erected by the director of public works. When such signs are placed facing traffic, every driver of a vehicle facing such sign shall bring his vehicle to a complete stop and yield the right-of-way to all children and other persons crossing at the intersection or crosswalk and shall not proceed until safe to do so.

(Code 1976, § 18-160; Code 2002, § 90-167)

- **Sec. 44-172. - Emerging from alley or driveway.**

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending

across any alleyway or driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

(Code 1976, § 18-161; Code 2002, § 90-168)

State Law reference— Similar provisions, RSMo 300.285.

- **Sec. 44-173. - Intersections where yield required.**

Traffic on highways, roads, streets or alleys, as designated by ordinance, shall yield the right-of-way before entering the intersection of the named highway, road, street or alley.

(Code 1976, § 18-162; Code 2002, § 90-169)

- **Sec. 44-174. - Duty of driver approaching yield sign; evidence of fault in collision.**

The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. If a driver approaching a yield sign is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

(Code 1976, § 18-163; Code 2002, § 90-170)

State Law reference— Similar provisions, RSMo 300.280.

- **Sec. 44-175. - Position for stopping in observance of stop or yield signs.**

(a)

The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at a clearly marked stop line, but, if none, at the point nearest the intersecting roadway, where the driver has a view of approaching traffic on the intersecting roadway.

(b)

Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, shall stop at a clearly marked stop line, but, if none, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(Code 1976, § 18-164; Code 2002, § 90-171)

State Law reference— Similar provisions, RSMo 300.270.

- **Secs. 44-176—44-203. - Reserved.**

- **DIVISION 4. - TURNING MOVEMENTS**

- **Sec. 44-204. - Procedure for turning at intersections.**

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1)

For right turns, both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2)

At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3)

At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(Code 1976, § 18-176; Code 2002, § 90-172)

State Law reference— Similar provisions, RSMo 300.215.

- **Sec. 44-205. - Turning on curve or crest of grade.**

No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade or hill, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

(Code 1976, § 18-177; Code 2002, § 90-202)

- **Sec. 44-206. - U-turns.**

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

(Code 1976, § 18-178; Code 2002, § 90-203)

State Law reference— Similar provisions, RSMo 300.235.

- **Sec. 44-207. - Placement of turning markers; obedience required.**

(a)

The director of public works is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(b)

When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning at the intersection, no driver of a vehicle shall disobey the directions of such indications.

(Code 1976, § 18-179; Code 2002, § 90-204)

State Law reference— Similar provisions, RSMo 300.220.

- **Sec. 44-208. - Placement of signs prohibiting or restricting turns.**

The city council is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right turn, left turn or U-turn, and the director of public works shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the times shall be plainly indicated on the signs or they may be removed when such turns are permitted.

(Code 1976, § 18-180; Code 2002, § 90-205)

State Law reference— Similar provisions, RSMo 300.225.

- **Sec. 44-209. - Obedience to signs required.**

Whenever authorized signs are erected indicating that no right turn, left turn or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Code 1976, § 18-181; Code 2002, § 90-206)

State Law reference— Similar provisions, RSMo 300.230.

- **Sec. 44-210. - Hand signals.**

(a)

When stopping or checking the speed of any vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, the operator of such vehicle shall extend his arm at an angle below horizontal so that the signal may be seen from the rear of his vehicle.

(b)

An operator intending to turn his vehicle to the right shall extend his arm at an angle above horizontal so that the signal may be seen from the rear of his vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which he is proceeding before turning.

(c)

An operator intending to turn his vehicle to the left shall extend his arm in a horizontal position so that the signal may be seen from the rear of his vehicle and shall slow down and approach the intersecting highway so that the left side of his vehicle shall be as near as practicable to the centerline of the highway along which he is proceeding before turning.

(d)

The operator of a motor vehicle equipped with a mechanical or electrical signaling device which displays a signal plainly visible from the front and rear indicating the operator's intention to turn or stop or that the speed of the motor vehicle is being slowed need not signal with the hand and arm so long as the mechanical or electrical signaling device is operating properly and is being properly used.

(Code 1976, § 18-182; Code 2002, § 90-207)

State Law reference— Similar provisions, RSMo 304.019.

- **Secs. 44-211—44-228. - Reserved.**

- **DIVISION 5. - ONE-WAY STREETS**

- **Sec. 44-229. - Authority to signpost.**

The director of public works is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The city traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

(Code 1976, § 18-270; Code 2002, § 90-236)

State Law reference— Similar provisions, RSMo 300.250.

- **Sec. 44-230. - Obedience to signs required.**

It shall be unlawful for any person to operate any vehicle in violation of any markings, signs, barriers or other devices indicating the direction of traffic.

(Code 1976, § 18-271; Code 2002, § 90-237)

State Law reference— Similar provisions, RSMo 300.250.

- **Sec. 44-231. - Direction of movement.**

Upon those roads and streets and parts of roads and streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(Code 1976, § 18-272; Code 2002, § 90-238)

State Law reference— Similar provisions, RSMo 300.245.

- **Secs. 44-232—44-255. - Reserved.**

- **ARTICLE IV. - PARADES AND PROCESSIONS**

- **Sec. 44-256. - Definitions.**

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

Parade and *procession* mean any group of 200 or more persons or 50 or more vehicles, except the forces of the United States army or navy, the military forces of the state and the forces of the police and fire departments.

(Code 1976, § 18-284; Code 2002, § 90-266)

- **Sec. 44-257. - Permit required.**

- (a) No parade or procession shall occupy, march or proceed along any highway, road or street, except in accordance with a permit issued by the police department and such other regulations as may apply.
- (b) The chief of police shall issue a permit as provided for in this section when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:
 - (1) The route of the parade will not unreasonably interrupt the safe and orderly movement of other traffic throughout the city.
 - (2) The conduct of a parade will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city.
 - (3) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
 - (4) The conduct of such parade will not unduly interfere with the movement of firefighting equipment en route to a fire.
 - (5) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- (c) A permit shall not be denied, however, on the grounds that others disagree with the views expressed or propounded by the applicant or his organization.

(Code 1976, § 18-285; Code 2002, § 90-267)

- **Sec. 44-258. - Procession to keep to right.**

Each driver in a funeral or other procession shall drive as near to the right-hand curb as practicable and shall follow the vehicle ahead as close as is practicable and safe.

(Code 1976, § 18-286; Code 2002, § 90-268)

State Law reference— Similar provisions, RSMo 300.315.

- **Sec. 44-259. - Identification of funeral procession.**

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A funeral composed of a procession of vehicles shall be identified as such by the display daytime driving lights, four way flashers or other identifying insignia or by such other method as may be determined and designated by the traffic division.

(Code 1976, § 18-287; Code 2002, § 90-269)

State Law reference— Similar provisions, RSMo 300.320.

- **Sec. 44-260. - Driving through processions.**

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this article. This section shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

(Code 1976, § 18-288; Code 2002, § 90-270)

State Law reference— Similar provisions, RSMo 300.310.

- **Secs. 44-261—44-283. - Reserved.**

- **ARTICLE V. - STOPPING, STANDING AND PARKING**
- **DIVISION 1. - GENERALLY**

- **Sec. 44-284. - Responsibility of owner for illegal parking.**

If any vehicle is found upon a street, alley, highway, public place, parking lot, drive-in, driveway or entrance drive, in violation of any section of this chapter regulating the stopping, standing or parking of vehicles, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

(Code 1976, § 18-194; Code 2002, § 90-296)

- **Sec. 44-285. - Parking vehicle without state license plate or city license.**

No person owning or having possession of a motor vehicle without a current state license plate shall permit such motor vehicle to be parked on any street, alley or public place in the city.

(Code 1976, § 18-195; Code 2002, § 90-297)

- **Sec. 44-286. - Prohibited in specified places.**

(a)

Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(1)

Stop, stand or park a vehicle:

- a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- b. On a sidewalk.
- c. Within an intersection or within 15 feet of an intersection.
- d. On a crosswalk.
- e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings.
- f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- h. On any railroad tracks.
- i. At any place where official signs prohibit stopping.
- j. Within ten feet of a United States Postal Service mailbox.
- k. At any place where the curb is painted yellow or surface is painted with yellow lines.

(2)

Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger:

- a. In front of a public or private driveway.
- b. Within 15 feet of a fire hydrant.
- c. Within 20 feet of a crosswalk at an intersection.
- d. Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway.
- e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance, when properly signposted.
- f. At any place where official signs prohibit standing.

(3)

Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

- a. Within 50 feet of the nearest rail of a railroad crossing.
- b. At any place where official signs prohibit parking.

(b)

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(Code 1976, § 18-196; Code 2002, § 90-298; Ord. No. 3790, 2-17-2003)

State Law reference— Similar provisions, RSMo 300.440.

- **Sec. 44-287. - Parking prohibited for certain purposes.**

No person shall park a vehicle on any roadway for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Repairing such vehicle, except repairs necessitated by an emergency.

(Code 1976, § 18-197; Code 2002, § 90-299)

State Law reference— Similar provisions, RSMo 300.455.

- **Sec. 44-288. - Parking adjacent to church or school property.**

No person shall stop, stand or park on any portion of a highway, street or alley within the corporate limits, adjacent and contiguous to the property of any school, church or public building owned by and related to the general use of the public, when such would interfere with and be hazardous to such places.

(Code 1976, § 18-198; Code 2002, § 90-300)

State Law reference— Similar provisions, RSMo 300.460.

- **Sec. 44-289. - Manner of parking.**

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs and on non-curb streets shall be so stopped or parked with the right wheels of such vehicle parallel to and within 18 inches of the right curb and headed in the direction of lawful traffic movement.

(Code 1976, § 18-199; Code 2002, § 90-301; Ord. No. 4331, § 1, 1-21-2014)

State Law reference— Similar provisions, RSMo 300.415.

- **Sec. 44-290. - Angle parking.**

Angle parking within the city will be permitted on such highways, streets or alleys or portions thereof and for such periods of time as prescribed by ordinance.

(Code 1976, § 18-200; Code 2002, § 90-302)

- **Sec. 44-291. - Obstruction of traffic.**

No person shall park any vehicle upon a street, road or highway, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(Code 1976, § 18-201; Code 2002, § 90-303)

State Law reference— Similar provisions, RSMo 300.445.

- **Sec. 44-292. - Obstruction of alleys.**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(Code 1976, § 18-202; Code 2002, § 90-304)

State Law reference— Similar provisions, RSMo 300.450.

- **Sec. 44-293. - Restrictions during certain times.**

When signs are erected giving notice thereof, no person shall park a vehicle during the times or for a longer period than indicated upon any of the streets or parts of streets so signed.

(Code 1976, § 18-203; Code 2002, § 90-305)

- **Sec. 44-294. - Parking prohibited at all times.**

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets so designated.

(Code 1976, § 18-204; Code 2002, § 90-306)

- **Sec. 44-295. - Leaving vehicle over 24 hours.**

No person shall park a vehicle on any street for an uninterrupted period of time longer than 24 hours, except in an emergency.

(Code 1976, § 18-205; Code 2002, § 90-307)

- **Sec. 44-296. - Removal of illegally parked vehicles.**

Whenever any vehicle shall be found parked in a place where parking is not permitted or in such a way as to obstruct the free flow of traffic, such vehicle may be removed and conveyed by or under the immediate direction of a member of the police department by means of towing the vehicle, or otherwise, to a police station or other location as specified and the owner shall be notified of such action. Before the owner or person in charge of such vehicle shall be permitted to remove it from the custody of the police department, he shall furnish evidence of his identity and the title of the vehicle; shall sign a release; and shall pay the cost of towing of the vehicle, storage charges and other charges, if any.

(Code 1976, § 18-206; Code 2002, § 90-308)

- **Sec. 44-297. - Designation of bus stands, taxistands or loading zones.**

(a)

Nothing in this article shall be construed as prohibiting the city from providing for bus stops, taxicab stands and other matters of similar nature, including the loading or unloading of trucks, vans or other commercial vehicles.

(b)

Whenever the city council so acts, the chief of police is hereby directed to designate zones by appropriate markings upon the streets.

(Code 1976, § 18-207; Code 2002, § 90-309)

- **Sec. 44-298. - Limitation on certain truck and trailer parking.**

(a)

No truck and tractor trailer units may be parked on the city streets or city alleys.

(b)

Any person violating this section shall be fined not less than \$10.00 nor more than \$250.00; further, each day such tractor trailer unit is parked on the city streets constitutes a separate and individual offense.

(Code 1976, § 18-209; Code 2002, § 90-310)

- **Secs. 44-300—44-316. - Reserved.**

- **DIVISION 2. - PARKING FOR THE DISABLED**

- **Sec. 44-317. - Licenses, stickers.**

(a)

It shall be unlawful for the operator of a vehicle to stop or park any vehicle in a space designated by a posted sign for handicapped persons, unless the vehicle bears the state license plates for the disabled as provided in RSMo 301.142 or the vehicle has displayed on the front windshield an official sticker or hanger authorizing the vehicle to be parked in the space designated for handicapped persons.

(b)

Subsection (a) of this section shall not apply to any vehicle operator who, though not having the license plates for the disabled or the sticker issued by the city, is transporting a physically disabled person, but such vehicle operator shall have the burden of proving that he was transporting a physically disabled person at such time.

(c)

Subsections (a) and (b) of this section shall apply to all parking facilities owned or operated by the city or to any privately owned or operated parking lots or facilities.

(d)

Any person violating any of the provisions of this section shall, upon conviction, be fined not less than \$10.00 nor more than \$50.00 for the first offense, or not less than \$20.00 nor more than \$100.00 for any subsequent offense.

(Code 1976, § 18-208; Code 2002, § 90-336; Ord. No. 3719, § 1, 6-18-2001; Ord. No. 3767, §§ 1, 2, 8-19-2002)

- **Sec. 44-318. - Display of certificate; courtesy parking.**

Any physically disabled person who displays prominently upon the transporting vehicle the distinguishing certificate or vehicle license plate issued by the state or any other governmental jurisdiction shall be entitled to courtesy in parking hours at any parking place open to the public within the city, where parking is limited as to time but not prohibited.

(Code 1976, § 18-237; Code 2002, § 90-337)

- **Sec. 44-319. - Unauthorized use of designated parking space.**

It shall be unlawful to park a motor vehicle or any other vehicle in a parking space which has been designated as a parking space for the handicapped on private or public property unless a person operating or using the motor vehicle is physically disabled under applicable state law. Notwithstanding any other section of this Code to the contrary, the minimum fine for violating this section shall be \$25.00. However, if the fine is not paid within five days after the violation, there shall be an additional fine of \$10.00.

(Code 1976, § 18-238; Code 2002, § 90-338)

- **Sec. 44-320. - Presumption of compliance or violation.**

A person whose vehicle prominently displays a certificate or license plate on or in the vehicle as provided in this division shall be presumed to be utilizing such space in accordance with the terms of this division. An individual whose vehicle does not display such a certificate or license plate shall be presumed to be in violation of this division. Such presumptions shall be rebuttable and may be overcome by the individual charged or other parties submitting evidence to the contrary.

(Code 1976, § 18-239; Code 2002, § 90-339)

- **Sec. 44-321. - Improper use of certificate; penalty.**

If the police or other city parking enforcement officer shall find that a certificate issued pursuant to this division is being improperly used, he may report any such violation to the governmental agency issuing such certificate. Any person who is not physically disabled and who exercises the privilege granted a physically disabled person under this division and who is found guilty of such shall be punished as provided in [section 44-319](#).

(Code 1976, § 18-240; Code 2002, § 90-340)

- **Secs. 44-322—44-345. - Reserved.**

- **ARTICLE VI. - EQUIPMENT**

- **Sec. 44-346. - Lights.**

(a)

No person shall operate a motor vehicle on any highway, road, street or alley in the city during the period from one-half hour after sunset to one-half hour before sunrise, unless such vehicle shall display at least two lighted lamps on the front, one on each side, having a light source of equal power, which shall project either white or yellow light.

(b)

Every person driving a motor vehicle equipped with multiple-beam road-lighting equipment during the times when lighted lamps are required shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet or is within 300 feet to the rear of another vehicle traveling in the same direction, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of 25 feet ahead, and in no case higher than a level of 42 inches above the level upon which the vehicle stands at a distance of 75 feet ahead.

(c)

No person shall operate a motor vehicle on any highway, road, street or alley in the city during the period from one-half hour after sunset to one-half hour before sunrise, unless such vehicle is equipped with two lighted lamps on the rear, which shall display a red light visible from the rear for a distance of at least 500 feet. Either of such rear lamps or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of 50 feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off by the same control switch at all times.

(Code 1976, § 18-78; Code 2002, § 90-371)

- **Sec. 44-347. - Lighting of parked vehicles.**

(a)

Whenever a vehicle is lawfully parked upon a street or highway during the hours between one-half hour after sunset and one-half hour before sunrise and there is sufficient light to reveal any person or object within a distance of 500 feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(b)

Whenever a vehicle is parked or stopped upon a highway or shoulder adjacent thereto, whether attended or unattended, during the hours between one-half hour after sunset and one-half hour before sunrise, and there is not sufficient light to reveal any person or object within a distance of 500 feet upon the highway, such vehicle shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of 500 feet to the rear of the vehicle. The location of such lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this subsection is installed as nearly as practicable to the side of the vehicle which is closest to passing traffic. Any lighted headlamp upon a parked vehicle shall be depressed or dimmed.

(c)

Subsection (b) of this section shall not apply to motor-driven cycles.

(Code 1976, § 18-79; Code 2002, § 90-372)

- **Sec. 44-348. - Colors of various lamps.**

- (a) Headlamps, when lighted, shall exhibit lights substantially white in color.
- (b) Auxiliary lamps, cowl lamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color.
- (c) No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle, upon any street or highway with any lamp or device thereon displaying a red or blue light visible from directly in front thereof.

(Code 1976, § 18-80; Code 2002, § 90-373)

- **Sec. 44-349. - Signaling devices.**

Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.

(Code 1976, § 18-81; Code 2002, § 90-374)

State Law reference— Similar provisions, RSMo 307.170(1).

- **Sec. 44-350. - Mufflers.**

Muffler cutouts shall not be used, and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises are made by its machinery, motor, tires, signaling devices or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe, between the motor and the muffler on any motor vehicle, shall be completely closed and disconnected from its operating lever and shall be so arranged that it cannot automatically open or be opened or operated while such vehicle is in motion.

(Code 1976, § 18-82; Code 2002, § 90-375)

State Law reference— Similar provisions, RSMo 307.170(2).

- **Sec. 44-351. - School bus markings.**

Every bus used for the transportation of schoolchildren shall bear upon the front and rear thereof a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop while bus is loading and unloading."

(Code 1976, § 18-83; Code 2002, § 90-376)

State Law reference— Similar provisions, RSMo 304.050.

- **Sec. 44-352. - Signaling devices on school buses.**

Each school bus shall be equipped with a mechanical and electrical signaling device, which will display a signal plainly visible from the front and rear, indicating intention to stop.

(Code 1976, § 18-84; Code 2002, § 90-377)

State Law reference— Similar provisions, RSMo 304.050.

- **Sec. 44-353. - Safety belts required.**

(a)

Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons less than 18 years of age operating or riding in a truck, as defined in RSMo 301.010, on a street or highway of this state shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that a child less than four years of age shall be protected as required in RSMo 307.179. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection. This subsection shall not be applicable to a person who has a medical reason for failing to have a seat belt fastened about the body, nor shall this subsection be applicable to a person while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law.

(b)

In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1)

Parties seeking to introduce evidence of the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by the plaintiff.

(2)

If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence.

(c)

Every person who violates this section, upon conviction, shall be punished by a fine of not more than \$10.00. The driver of the vehicle will be responsible for children under age 18.

(Code 1976, § 18-85; Code 2002, § 90-378)

- **Secs. 44-354—44-379. - Reserved.**

- **ARTICLE VII. - TRAFFIC CONTROL SIGNS, SIGNALS AND DEVICES**

-

- **Sec. 44-380. - Placement.**

- The director of public works shall place and maintain traffic control signs, signals, and devices when and as required under this chapter or city traffic ordinances to make effective this chapter or the provisions of city ordinances and may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under this chapter or the city traffic ordinances or under state law or to guide or warn traffic.

- (Code 1976, § 18-248; Code 2002, § 90-406)
- **State Law reference**— Similar provisions, RSMo 300.130.
- **Sec. 44-381. - Obedience required.**

- The driver of any vehicle shall obey the instructions of any traffic control device applicable thereto, placed in accordance with this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

- (Code 1976, § 18-249; Code 2002, § 90-407)
- **State Law reference**— Similar provisions, RSMo 300.140.
- **Sec. 44-382. - Required for enforcement purposes.**

- No section of this chapter for which traffic control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, a device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that traffic control devices are required, such section shall be effective even though no devices are erected or in place.

- (Code 1976, § 18-250; Code 2002, § 90-408)
- **State Law reference**— Similar provisions, RSMo 300.145.
- **Sec. 44-383. - Presumption of validity of device.**

- (a) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

- (b) Any official traffic control device placed pursuant to this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

- (Code 1976, § 18-251; Code 2002, § 90-409)
- **State Law reference**— Similar provisions, RSMo 300.150.
- **Sec. 44-384. - Signal legend; observance.**

- (a) Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:
 - (1) *Green indication.*
 - a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - c. Unless otherwise directed by a pedestrian control signal as provided in RSMo 300.160, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
 - (2) *Steady yellow indication.*
 - a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in RSMo 300.160, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.
 - (3) *Steady red indication.*
 - a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, before entering the intersection and shall remain standing until a green indication is shown except as provided in subsection (a)(3)b of this section.
 - b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, at the entrance to the intersection in obedience to a red signal may cautiously enter the intersection to make a right turn, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection. However, the state highways and transportation commission, with reference to an intersection involving a state highway, and local authorities, with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, such prohibition shall be effective when a sign is erected at such intersection giving notice thereof.
 - c. Unless otherwise directed by a pedestrian control signal as provided in RSMo 300.160, pedestrians facing a steady red signal alone shall not enter the roadway.
 - (b) If an official traffic control signal is erected and maintained at a place other than an intersection, the subsections of this section shall be applicable except as to those subsections which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.
- (Code 1976, § 18-252; Code 2002, § 90-410)
- **State Law reference**— Similar provisions, RSMo 300.155.
- Sec. 44-385. - Stop required when devices not working.

- When a traffic signal is not operating through mechanical failure or for other reasons, all traffic shall come to a complete stop before operating onto or through an intersection.
 - (Code 1976, § 18-253; Code 2002, § 90-411)
 - Sec. 44-386. - Flashing signals.

 - Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:
 - (1) *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 - (2) *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
 - (Code 1976, § 18-254; Code 2002, § 90-412)
 - **State Law reference**— Similar provisions, RSMo 300.165.
 - Sec. 44-387. - Pedestrian control signals.

 - Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk" are in place, such signals shall indicate as follows:
 - (1) *Walk*. Pedestrians facing a walk signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
 - (2) *Wait or don't walk*. No pedestrian shall start to cross the roadway in the direction of a wait or don't walk signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.
 - (Code 1976, § 18-255; Code 2002, § 90-413)
 - **State Law reference**— Similar provisions, RSMo 300.160.
 - Sec. 44-388. - Display of unauthorized signs, signals or markings prohibited.

 - (a) No person shall place, maintain or display, upon or in view of any highway, an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles a traffic control device or railroad sign or signal or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.
 - (b) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
 - (c) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the director of public works is empowered to remove the sign, signal or marking or cause it to be removed without notice.
- (Code 1976, § 18-256; Code 2002, § 90-414)
 - **State Law reference**— Similar provisions, RSMo 300.175.
 - Sec. 44-389. - Interference with traffic control devices or railroad signs or signals.

 - No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove or cause to be altered, defaced, injured, knocked down or removed any official traffic control device or any railroad sign or signal or any inscription or shield or insignia thereon or any part thereof.

- (Code 1976, § 18-257; Code 2002, § 90-415)
- **State Law reference**— Similar provisions, RSMo 300.180.
- Sec. 44-390. - Establishment of crosswalks and safety zones.

- The director of public works is hereby authorized to:
 - (1) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.
 - (2) Establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.
- (Code 1976, § 18-258; Code 2002, § 90-416)
- **State Law reference**— Similar provisions, RSMo 300.195.
- Secs. 44-391—44-408. - Reserved.

- ARTICLE VIII. - PEDESTRIANS
-

- Sec. 44-409. - Obedience to traffic control signals.

- Pedestrians shall be subject to traffic control signals as provided in this chapter, but at all other places pedestrians shall have those rights and shall be subject to the restrictions stated in this article.
- (Code 1976, § 18-300; Code 2002, § 90-446)
- **State Law reference**— Similar provisions, RSMo 300.370.
- Sec. 44-410. - Right-of-way in crosswalk.

- (a) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within the crosswalk, when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- (b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- (c) Subsection (a) of this section shall not apply under the conditions of section 44-411(b).
- (d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (Code 1976, § 18-301; Code 2002, § 90-447)
- **State Law reference**— Similar provisions, RSMo 300.375.
- Sec. 44-411. - Yielding right-of-way.

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

- (Code 1976, § 18-302; Code 2002, § 90-448)
- **State Law reference**— Similar provisions, RSMo 300.390.
- Sec. 44-412. - Prohibited crossing.

- Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- (Code 1976, § 18-303; Code 2002, § 90-449)
- **State Law reference**— Similar provisions, RSMo 300.395(1).
- Sec. 44-413. - Use of right half of crosswalk.

- Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
- (Code 1976, § 18-304; Code 2002, § 90-450)
- **State Law reference**— Similar provisions, RSMo 300.380.
- Sec. 44-414. - Crossing at right angles.

- No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.
- (Code 1976, § 18-305; Code 2002, § 90-451)
- **State Law reference**— Similar provisions, RSMo 300.385.
- Sec. 44-415. - Walking along roadway.

- (a) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- (b) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practical, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.
- (Code 1976, § 18-306; Code 2002, § 90-452)
- **State Law reference**— Similar provisions, RSMo 300.405.
- Sec. 44-416. - Soliciting rides or business.

- No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.
- (Code 1976, § 18-307; Code 2002, § 90-453)
- Sec. 44-417. - Care of drivers.

- Notwithstanding the sections of this article, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.
- (Code 1976, § 18-308; Code 2002, § 90-454)
- **State Law reference**— Similar provisions, RSMo 300.410.
- Secs. 44-418—44-447. - Reserved.

- ARTICLE IX. - BICYCLES
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- Sec. 44-448. - Definitions.
- The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- *Bicycle* means and includes a vehicle with two tandem wheels, neither of which is less than 20 inches in diameter, with solid or pneumatic tires, having a steering bar or wheel and a saddle seat, and propelled by human power.
- *Operate* means the use, putting into action or causing to function a bicycle by a person mounted thereon.
- (Code 1976, § 18-320; Code 2002, § 90-481)
- Sec. 44-449. - Applicability of chapter to bicyclists.
- Every person riding a bicycle within the city shall be granted all of the rights and shall be subject to all of the rules, regulations and duties applicable to the driver of a vehicle in this city, except as to special regulations and those sections which by their nature can have no application.
- (Code 1976, § 18-321; Code 2002, § 90-482)
- Sec. 44-450. - Riding on sidewalk within business district; right-of-way of pedestrians.
- (a) No person shall ride a bicycle upon a sidewalk within a business district.
- (b) Whenever any person is riding a bicycle upon a sidewalk in any other district, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
- (Code 1976, § 18-322; Code 2002, § 90-483)
- **State Law reference**— Similar provisions, RSMo 300.347.
- Sec. 44-451. - Use of bicycle paths required.
- Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
- (Code 1976, § 18-323; Code 2002, § 90-484)
- Sec. 44-452. - Duty to keep to right.
- Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (Code 1976, § 18-324; Code 2002, § 90-485)
- Sec. 44-453. - Riding abreast.
- Persons riding bicycles upon a roadway shall not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (Code 1976, § 18-325; Code 2002, § 90-486)
- Sec. 44-454. - Number of riders.
- No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- (Code 1976, § 18-326; Code 2002, § 90-487)
- Sec. 44-455. - Carrying persons on handlebars.

- No person operating a bicycle shall carry another person on the handlebars of such bicycle.
- (Code 1976, § 18-327; Code 2002, § 90-488)
- Sec. 44-456. - Carrying articles.

- No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.
- (Code 1976, § 18-328; Code 2002, § 90-489)
- Sec. 44-457. - Emerging from alley or driveway.

- The operator of a bicycle emerging from an alley, driveway, garage or private sidewalk shall stop the bicycle immediately prior to driving onto or across a public sidewalk or onto or across a public sidewalk line projected across an alley and shall exercise extreme care in making such movements.
- (Code 1976, § 18-329; Code 2002, § 90-490)
- Sec. 44-458. - Lights.

- Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with the following:
 - (1) A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at 500 feet;
 - (2) A rear-facing red reflector, at least two square inches in reflective surface area, or a rear-facing red lamp, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at 600 feet;
 - (3) Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg, visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at 200 feet; and
 - (4) Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at 300 feet. This subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.
- (Code 1976, § 18-331; Code 2002, § 90-491)
- Sec. 44-459. - Brakes.

- Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
- (Code 1976, § 18-332; Code 2002, § 90-492)
- Secs. 44-460—44-486. - Reserved.

- ARTICLE X. - JUNKED MOTOR VEHICLES
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- Sec. 44-487. - Definitions.

- The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- *Junked motor vehicle* means any motor vehicle which is partially dismantled or wrecked and which cannot safely or legally be operated.
- *Motor vehicle* means any self-propelled land vehicle which can be used for towing or transporting people or materials, including, but not limited to, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.
- *Motor vehicle accessories* means any part of any motor vehicle.
- *Private property* means any real property not owned by the federal government, state, county, city school board or other public subdivisions.
- *Removal* means the physical relocation of a motor vehicle to an authorized location.
- (Code 1976, § 18-344; Code 2002, § 90-521)
- Sec. 44-488. - Prohibited storage.
- (a) It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle accessories to store or permit any such vehicle or accessories to remain on any private property within the city for a period of more than 30 days after the expiration of the 30-day period following receipt of a notice requiring such removal. It shall be further unlawful for any person owning any private property in the city to store or to permit to remain any such vehicle or accessories on his property for more than a like period. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this article.
- (b) It shall be unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories from any private property has been given, to move the junked motor vehicle or motor vehicle accessories to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.
- (Code 1976, § 18-345; Code 2002, § 90-523)
- Sec. 44-489. - Permitted storage.
- This article shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers. Such business enterprises shall include auto junkyards, auto repair and auto body shops, but shall not include automobile service stations or tire, battery and accessory sales stores.
- (Code 1976, § 18-346; Code 2002, § 90-524)
- Sec. 44-490. - Investigation of premises.
- The chief of police on routine inspection or upon receipt of a complaint may investigate a suspected junked motor vehicle or motor vehicle accessories and record the make, model, style and identification numbers and its situation.
- (Code 1976, § 18-347; Code 2002, § 90-525)
- Sec. 44-491. - Notice of removal.
- Whenever the chief of police or any member of his department finds or is notified that any junked motor vehicle has or motor vehicle accessories have been stored or permitted to remain on any private property within the city, the chief of police shall send by certified mail a notice to the owner

of record of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as shown on the tax assessment records of the city, on which the vehicle or accessory is located to remove the junked motor vehicle or motor vehicle accessories within 30 days. Such notice shall also contain the following additional information:

- (1) The nature of the complaint.
- (2) The description and location of the motor vehicle and/or motor vehicle accessories.
- (3) A statement that the motor vehicle or motor vehicle accessories will be removed from the premises no later than 30 days from the date of notification.
- (4) A statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties.
- (5) A statement that if removal is made within the time limits specified, notification shall be given in writing to the chief of police.
- (6) A statement of the penalties provided for noncompliance with such notice.
- (Code 1976, § 18-348; Code 2002, § 90-526)
- Secs. 44-492—44-521. - Reserved.

- ARTICLE XI. - ALL-TERRAIN VEHICLES

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- Sec. 44-522. - Penalty.

- Any person violating this article, upon conviction, may be punished in accordance with section 1-10.
- (Code 1976, § 18-377; Code 2002, § 90-557)
- Sec. 44-523. - License and flag required.

- (a) A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this article shall have a valid license, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than 30 miles per hour.
- (b) When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glo in color.
- (Code 1976, § 18-374; Code 2002, § 90-558)
- **State Law reference**— Similar provisions, RSMo 300.348.
- Sec. 44-524. - Use on city streets.

- No person shall operate an all-terrain vehicle upon the city streets, except all-terrain vehicles:
 - (1) Owned and operated by a governmental entity for official use.
 - (2) Operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.
 - (3) Operated for use in a public parade.

- (Code 1976, § 18-372; Code 2002, § 90-559; Ord. No. 3766, §§ 1, 2, 8-19-2002)
- **State Law reference**— Similar provisions, RSMo 300.348.
- Sec. 44-525. - Use in streams.

- No person shall operate an off-road vehicle, as defined in RSMo 304.001, within any stream or river in this city, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon or for the purpose of fording such stream or river of this city at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of the city shall enforce this section within the city.

- (Code 1976, § 18-373; Code 2002, § 90-560)
- Sec. 44-526. - Operation.

- No person shall operate an all-terrain vehicle in the following manner:
 - (1) *Careless driving.* In any careless way so as to endanger the person or property of another.
 - (2) *Under the influence.* While under the influence of alcohol or any controlled substance.
 - (3) *Without helmet.* Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least 18 years of age.

- (Code 1976, § 18-375; Code 2002, § 90-561)
- **State Law reference**— Similar provisions, RSMo 300.348.
- Sec. 44-527. - Passengers.

- No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.
- (Code 1976, § 18-376; Code 2002, § 90-562)
- **State Law reference**— Similar provisions, RSMo 300.348.
- Secs. 44-528—44-547. - Reserved.

- ARTICLE XII. - BUSES

- DIVISION 1. - GENERALLY
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- Secs. 44-548—44-572. - Reserved.

- DIVISION 2. - CITY TRANSIT BUSES
-
- Sec. 44-573. - Charges for service.

- There shall be charges for city transit bus service at the rates provided in the city fee schedule.
- (Code 1976, § 18-421; Code 2002, § 90-616)
- Sec. 44-574. - Charges for advertising space.

- (a) The city shall make available advertising space on two city transit buses. The advertising content and design must be approved by the city administrator prior to installation. In addition to the following, the city council authorizes other bus advertising slots/rates as deemed appropriate by the city administrator. Rates for bus advertising, per bus, shall be as provided in the city fee schedule.
- (b) All development and installation cost of advertising shall be the responsibility of the person or business purchasing advertising.
- (Code 1976, § 18-422; Code 2002, § 90-617)
- Sec. 44-575. - Grievance procedure.
- The city council establishes the following procedure for addressing grievances filed by citizens regarding the city transit bus:
 - (1) A citizen with a grievance shall bring the grievance with relevant information and facts to the attention of the project manager (supervisor) either by personal visit or letter or telephone contact. The project manager will then make every reasonable effort to provide a timely solution to address a valid grievance. A record of this meeting shall be kept on file for one year.
 - (2) If a citizen is not satisfied with the decision or solution offered by the project manager, an appeal meeting will be held with the city administrator, the project manager, and the citizen in an effort to hear the facts of the grievance and attempt to resolve the dispute. A record of this meeting shall be kept on file for one year.
 - (3) If the grievance remains unresolved pursuant to subsections (1) and (2) of this section, a second appeal meeting shall be scheduled with the mayor, city administrator, and the citizen. A record of this meeting shall be kept on file for one year.
 - (4) If the grievance remains unresolved after the appeal, the citizen may appeal to the state department of transportation. The meeting with a representative of the agency, mayor, city administrator, project manager and citizen will be held within ten days of filing a written grievance appeal. This meeting will also be recorded with findings and kept on file for one year.
 - (5) If the dispute remains unresolved after all appeals have been exhausted, the citizen can request the U.S. Office of Civil Rights, Washington, D.C., to investigate relevant findings to all parties concerned. Every effort shall be made to resolve the dispute at a local level, however.
- (Code 1976, § 18-423; Code 2002, § 90-618)
- Sec. 44-576. - Transit rules.
 - (a) Fare must be paid when boarding the bus.
 - (b) Eating, drinking, smoking, using chewing tobacco, possessing open containers and soliciting of any kind are not allowed on the bus.
 - (c) Fighting, physical abuse, verbal abuse, and cursing are not allowed. Riders presenting a danger to the driver or passengers will not be allowed to board or will be asked to de-board.
 - (d) Behavior that distracts the driver or shows disrespect to or offends the driver or other passengers will not be permitted.
 - (e) All riders are required to wear seat belts while the vehicle is in motion.
 - (f) Passengers must be appropriately clothed at all times, including shoes and shirts.
 - (g) Passengers are limited to carrying items they can load and unload themselves.
 - (h) Service animals are permitted on vehicles. Service animals presenting a danger to the driver or other passengers must be confined or constrained.

- (i) Oxygen tanks and other necessary medical equipment are allowed on all vehicles. The equipment must be secured to prevent injury in case of an accident or sudden stop.
- (j) The driver is trained to manage emergency situations. Obey the driver's directions to ensure your safety.
- (k) If a rider violates a rule, the driver will show the rider the rules and ask him to comply with them. Continued violation of the rules may result in denial of service.
- (Code 2002, § 90-619; Ord. No. 4257, § 1, 3-19-2012)