

Chapter 13

MOTOR VEHICLES AND TRAFFIC

ARTICLE I In General

Section 13-1. Definitions. [Ord. No. 252 §1, Ord. No. 848 §1; Ord. No. 1077 §§1-2, 1-18-1994]

The following words and phrases, when used in this Chapter, shall have the meanings set out herein:

ABANDONED VEHICLE — Any motor vehicle or trailer of any type, or part or parts thereof, situated on property or upon any street or highway and which does not have displayed thereon a permanent license plate or set of plates issued for that vehicle indicating current registration by a State or country or for which no arrangements have been made for its storage with the owner or occupant of the premises on which it is located or the owner of which has indicated by his words or actions his intent to leave the same and no longer claim ownership thereof.

ALLEY OR ALLEYWAY — Any street with a roadway of less than twenty (20) feet in width.

AUTHORIZED EMERGENCY VEHICLE — 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 or Constable or Deputy Sheriff, Traffic Officer or any privately owned vehicle operated as an ambulance when responding to emergency calls.

AXLE LOAD — The total load transmitted to the road by all wheels whose centers are included between two (2) parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle.

BICYCLE — Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices.

BODY SHOP — A business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting.

BUS — A motor vehicle primarily for the transportation of a driver and eight (8) or more passengers but not including shuttle buses.

BUSINESS DISTRICT — The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations and public buildings which occupy at least three hundred

(300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT — All streets and portions of streets within the area described by City ordinance as such.

COMMERCIAL MOTOR VEHICLE — A motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight (8) passengers but not including vanpools or shuttle buses.

COMPACT MOTOR VEHICLE — A self-propelled passenger vehicle having a compact classification with respect to its dimensions by recognized governmental agencies; however, such shall not include trucks or utility vehicles. [Ord. No. 2296 §1, 4-1-2014]

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

COTTON TRAILER — A trailer designed and used exclusively for transporting cotton at speeds less than forty (40) miles per hour from field to field or from field to market and return.

CROSSWALK

- (a) 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.
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE — A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DEALER — Any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers.

DERELICT VEHICLE — Any partially dismantled, non-operating, wrecked or junked motor vehicle or trailer of any type.

DIRECTOR OR DIRECTOR OF REVENUE — The director of the Department of Revenue.

DRIVEAWAY OPERATION — The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two (2) or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale.

DRIVER — Every person who drives or is in actual physical control of a vehicle.

FARM TRACTOR — A tractor used exclusively for agricultural purposes.

FREIGHT CURB LOADING ZONE — A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

GROSS WEIGHT — The weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon.

HAIL-DAMAGED VEHICLE — Any vehicle, the body of which has become dented as the result of the impact of hail.

HIGHWAY — 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 — A highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaces in such a manner that it shall have a hard, smooth surface.

INTERSECTING HIGHWAY — Any highway which joins another, whether or not it crosses the same.

KIT VEHICLE — A motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit. A "kit" may include the cab, drive train and other components.

LAND IMPROVEMENT CONTRACTOR'S COMMERCIAL MOTOR VEHICLE — Any not-for-hire commercial motor vehicle the operation of which is confined to:

- (a) An area that extends not more than a radius of one hundred (100) miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers maintenance facilities or maintenance facilities for maintenance purposes; or
- (b) An area that extends not more than a radius of twenty-five (25) miles from its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation.

Nothing in this definition shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle.

LOCAL COMMERCIAL MOTOR VEHICLE — A commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than twenty-five (25) miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by such person or under his control by virtue of landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm.

LOCAL TRANSIT BUS — A bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone adjacent thereto, forming a part of a public

transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone.

LOG TRUCK — A vehicle used exclusively to transport harvested forest products to and from forested sites which is registered under this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products.

MAJOR COMPONENT PARTS — The rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue under rules and regulations or by illustrations.

MANUFACTURER — Any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles for sale.

MOBILE SCRAP PROCESSOR — A business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling.

MOTOR CHANGE VEHICLE — A vehicle manufactured prior to August, 1957, which received a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number.

MOTOR VEHICLE — Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and all-terrain vehicles.

MOTORCYCLE — Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

MOTORIZED BICYCLE — Any two-wheeled or three-wheeled device having fully operative pedals capable of propulsion by human power, an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than two (2) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground, shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

MOTORTRICYCLE — A motor vehicle operated on three (3) wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third (3rd) wheel.

MUNICIPALITY — Any city, town or village whether incorporated or not.

NON-RESIDENT — A resident of the state or country other than the State of Missouri.

OPERATOR — Any person who operates or drives a motor vehicle.

OWNER — Any person, firm, corporation or association, who holds the legal title to a vehicle or in the event 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 in the event a mortgagor of a vehicle is entitled to possession, then such

conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law.

PUBLIC GARAGE — A place of business, where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business.

REBUILDER — A business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers or persons or property.

RECONSTRUCTED MOTOR VEHICLE — A motor vehicle which has received damage and is repaired, assembled, or reconstructed by means of three (3) or more new or used major component parts, as defined in this section, including but not limited to such major component parts that have been derived from other motor vehicles, or makes of motor vehicles.

RECREATIONAL MOTOR VEHICLE — Any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purpose of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered.

SALVAGE DEALER AND DISMANTLER — A business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories.

SCHOOL BUS — Any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes.

SHUTTLE BUS — A motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles.

SPECIAL MOBILE EQUIPMENT — Every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this Section.

SPECIALLY CONSTRUCTED MOTOR VEHICLE — A motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles.

TANDEM AXLE — A group of two (2) or more axles, arranged one (1) behind the another, the distance between the extremes of which is more than forty (40) inches and not more than ninety-six (96) inches apart.

TRAILER — 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 semi-trailer 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. The term "trailer" shall not include cotton trailers as defined in this section and shall not include manufactured homes as defined in section 700.010, RSMo.

TRUCK — A motor vehicle designed, used, or maintained for the transportation of property.

TRUCK-TRACTOR — A self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semi-trailer, it supports a part of the weight thereof.

USED PARTS DEALER — A business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. Business does not include isolated sales at a swap meet of less than three (3) days.

VANPOOL — Any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight (8) nor more than forty-eight (48) employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term "bus" or "commercial motor vehicle" as defined above in this section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section 302.010, RSMo., nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement.

VEHICLE — Any mechanical device on wheels, designed primarily for use on highways, except motorized bicycles and vehicles propelled or drawn by human power, or vehicles used exclusively on fixed rails or tracks or cotton trailers.

Section 13-1.1. Using Vehicle for Display Advertising. [Ord. No. 350, §3]

It shall be unlawful for any person, firm or corporation to park upon any street, highway, roadway or thoroughfare within the city any vehicle for the primary purpose of display advertising.

Section 13-1.2. (Reserved) [Repealed by Ord. No. 1096 §1, 4-19-1994]

ARTICLE II
Traffic Administration

Section 13-2. Police Administration. [Ord. No. 252, §1]

There is established in the police department of the city a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police.

Section 13-3. Duty of Traffic Division. [Ord. No. 252, §1]

The traffic division, with such aid as may be rendered by other members of the police department, shall enforce the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate accidents and to cooperate with the board of aldermen and officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the division by this chapter and the traffic ordinances of the city.

Section 13-4. Records of Traffic Violations. [Ord. No. 252, §1]

- (a) The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of the city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. The record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.
- (b) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
- (c) All such records and reports shall be public records.

Section 13-5. Traffic Division to Investigate Accidents. [Ord. No. 252, §1]

It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

Section 13-6. Traffic Accident Studies. [Ord. No. 252, §1]

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the board of aldermen in conducting studies of such accidents and determining remedial measures.

Section 13-7. Traffic Accident Reports. [Ord. No. 252, §1]

The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the board of aldermen.

Section 13-8. Driver Files to be Maintained. [Ord. No. 252, §1]

The police department or the traffic division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

Section 13-9. Traffic Division to Submit Annual Traffic Safety Report. [Ord. No. 252 §1]

The traffic division shall annually prepare a traffic report which shall be filed with the mayor. Such report shall contain information on traffic matters in the City as follows:

- (a) The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent traffic accident data.
- (b) The number of traffic accidents investigated and other pertinent data on the safety activities of the Police.
- (c) The plans and recommendations of the division for future traffic safety activities.

Section 13-10. Traffic Division to Designate Method of Identifying Funeral Processions. [Ord. No. 252 §1]

The Traffic Division shall designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed, to identify the vehicles in funeral processions.

ARTICLE III

Enforcement and Obedience to Traffic Regulations

Section 13-11. Authority of Police and Fire Department Officials. [Ord. No. 252 §1; Ord. No. 1065 §1, 7-6-1993; Ord. No. 1645 §1, 9-17-2002]

- (a) It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all traffic laws of the City and all of the State vehicle laws applicable to street traffic in the City.
- (b) Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- (c) Officers of the Fire Department, when at the scene of an incident, may direct or assist the Police in directing traffic thereat or in the immediate vicinity.

- (d) *Authority To Enforce Traffic Regulations On Private Property.* The Mayor, with the approval of the Board of Aldermen, upon application of an owner or lessor of land, either publicly or privately owned, open to vehicular traffic to the public and used by the public as a thoroughfare with such thoroughfare paved, marked and delineated, may enter into an agreement with such owner or lessor to extend the enforcement of traffic regulations to such thoroughfares within the City limits of Eureka without requiring the owner to dedicate public right-of-way to the City; provided that the City of Eureka shall not be responsible for the maintenance or condition of such private thoroughfare and shall retain the power to terminate said agreement at will.

Section 13-12. Obedience to Police and Fire Department Officials. [Ord. No. 252 §1]

No person shall willfully fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department official.

Section 13-13. Persons Propelling Pushcarts or Riding Animals to Obey Traffic Regulations. [Ord. No. 252 §1]

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

Section 13-14. Use of Coasters, Roller Skates, Skateboards and Similar Devices Restricted. [Ord. No. 252 §1; Ord. No. 1323 §1, 11-18-1997]

- (a) No person upon roller skates, or riding in or by means of any coaster, skateboard, toy vehicle or similar device, shall go upon any roadway in any zoning district except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance of the City.
- (b) No person shall use, operate or permit the use or operation of any coaster, roller skates, skateboard or like instrument on any sidewalk, street, parking lot or other public place within commercial or industrial districts of the City.
- (c) No person shall use, operate or permit the use or operation of any coaster, roller skates, skateboard or like instrument on any sidewalk, street, parking lot or other public place within residential districts of the City if such activity presents a traffic, safety or other hazard.
- (d) The Police Officers of the City are hereby authorized to impound the roller skates, coaster, skateboard, toy vehicle or similar device of such person and to retain possession of same until such time as the parent or guardian of the violator shall appear at the Police Department and claim such.

Section 13-15. Public Employees to Obey Traffic Regulations. [Ord. No. 252 §1]

The provisions of this Chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County or City, and it shall be unlawful for any such driver to violate any of the provisions of this Chapter, except as otherwise permitted in this Chapter.

Section 13-16. Emergency Vehicles. [Ord. No. 252 §1; Ord. No. 1078 §§1 — 2, 1-18-1994; Ord. No. 1651 §1, 10-1-2002]

Upon the immediate approach of an emergency vehicle giving audible signal by siren and having at least one (1) lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 307.175, RSMo., the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway or roadway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a Police or Traffic Officer.

Upon approaching a stationary emergency vehicle displaying lighted red or red and blue 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 into a lane not adjacent to that of the stationary vehicle if on a roadway having at least four (4) lanes with not less than two (2) 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.
- (3) An "*emergency vehicle*" is a vehicle of any of the following types:
 - (a) A vehicle operated by the State Highway Patrol, those vehicles operated by enforcement personnel by the Division of Transportation of the Department of Economic Development, Police or Fire Department, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or Coroner, or by a privately owned emergency vehicle company.
 - (b) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs.
 - (c) Any vehicle qualifying as an emergency vehicle under Section 307.175, RSMo.
 - (d) Any wrecker or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service.
 - (e) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle.

- (4) The driver of any vehicle referred to in Subdivisions (a), (b), (c), (d) and (e) of Subsection (3) of this Section shall not sound the siren thereon or have the front red lights or blue lights on except when said vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon return from, a fire.
- (5) The driver of an emergency vehicle may:
 - (a) Park or stand, irrespective of the provisions of Sections 304.014 to 304.026, RSMo.
 - (b) Proceed past a red stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - (c) Exceed the prima facie speed limit so long as he does not endanger life or property.
 - (d) Disregard regulations governing direction of movement or turning in specified directions.
- (6) The exemptions herein granted to an emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by siren as may be reasonably necessary, or when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.
- (7) No person shall purchase an emergency light as described in this Section without furnishing the seller of said light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

Section 13-17. Failure to Maintain a Secure Load. [Ord. No. 1079 §§1 — 2, 1-18-1994]

- (a) All motor vehicles and every trailer and semi-trailer operating upon the public roadways of this City and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.
- (b) Operation of a motor vehicle, trailer or semi-trailer in violation of this Section shall be a misdemeanor, and any person convicted thereof shall be punished as provided by law.

Section 13-18. Immediate Notice of Accident. [Ord. No. 252 §1]

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total damage to all property to an apparent extent of one hundred dollars (\$100.00) or more shall immediately by the quickest means of communication give notice of such accident to the Police Department if such accident occurs within the City.

Section 13-19. Written Report of Accident. [Ord. No. 252 §1]

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of one hundred dollars (\$100.00) or more shall, within five (5) days after such accident, forward a written report of such accident to the Police Department. The provisions of this Section shall not be applicable when the accident has been investigated at the scene by a Police Officer while such driver was present thereat.

Section 13-20. When Driver Unable to Report Accident. [Ord. No. 252 §1]

- (a) Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 13-18 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 Section 13-19 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five (5) days after the accident make such report not made by the driver.

Section 13-21. Police Inspection of Reports Relating to Accidents. [Ord. No. 252, §1]

- (a) All written reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department or other governmental agencies having use for the records for accident prevention purposes; except, that the police department or other governmental agency may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.
- (b) No written reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident; except, that the police department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law, and, if such report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers.

ARTICLE IV
Traffic Control Devices

Section 13-22. Authority to Install Traffic Control Devices. [Ord. No. 252, §1]

The board of aldermen shall place and maintain traffic control signs, signals and devices when and as required under the traffic ordinances of the city to make effective the provisions of such ordinances, and may place and maintain such additional traffic control devices as it may deem necessary to regulate traffic under the traffic ordinances of the city or under state law or to guide or warn traffic.

Section 13-23. Manual and Specifications for Traffic Control Devices. [Ord. No. 252, §1]

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the state highway commission or resolution adopted by the board of aldermen of the city. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of this chapter shall be official traffic control devices.

Section 13-24. Obedience to Traffic Control Devices. [Ord. No. 252, §1; Ord. No. 1644 §1, 9-17-2002]

- (a) The driver of any vehicle shall obey the instructions of any official traffic control devices applicable thereto placed in accordance with the provisions of 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.
- (b) The driver of an authorized emergency vehicle, when responding to 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.
- (c) The driver of an authorized emergency vehicle may:
 - (1) Park or stand, irrespective of the provisions of this ordinance;
 - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (3) Exceed the maximum speed limits so long as he does not endanger life or property;
 - (4) Disregard regulations governing direction of movement or turning in specified directions.
- (d) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by siren, or while having at least one (1) lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 307.175, RSMo.
- (e) 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.

Section 13-25. When Official Traffic Control Devices Required for Enforcement Purposes. [Ord. No. 252, §1]

No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an

official 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 official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

Section 13-26. Presumption of Legality. [Ord. No. 252, §1]

- (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 the provisions of 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.

Section 13-27. Rules for Traffic Where Controlled by Light Signals - Right Turn on Red Light, When. [Ord. No. 873, §1]

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 said 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 section 13-28, 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 section 13-28, 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 at a clearly marked stop line but, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in paragraph (b);
- (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, then 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, except that 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, said 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 section 13-28, pedestrians facing a steady red signal alone shall not enter the roadway.

- (4) *Erection at other than intersection.* In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions 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.

Section 13-28. Pedestrian Control Signals. [Ord. No. 252 §1]

Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

- (a) *Walk.* Pedestrians facing such 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.
- (b) *Wait or Don't Walk.* No pedestrian shall start to cross the roadway in the direction of such 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.

Section 13-29. Flashing Signal. [Ord. No. 252, §1]

- (a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it 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, then 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.
- (b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 13-35.

Section 13-30. Lane Direction Control Signals. [Ord. No. 252, §1]

When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

Section 13-31. Display of Unauthorized Signs, Signals or Markings. [Ord. No. 252, §1]

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 an official 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.

Section 13-32. Interference with Official Traffic Control Devices or Railroad Signs or Signals. [Ord. No. 252, §1]

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

Section 13-33. Authority to Establish Play Streets. [Ord. No. 252, §1]

The board of aldermen shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

Section 13-34. Play Streets Generally. [Ord. No. 252, §1]

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

Section 13-35. Board of Aldermen to Designate Crosswalks and Establish Safety Zones. [Ord. No. 252, §1]

The board of aldermen is hereby authorized:

- (a) To 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.
- (b) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

Section 13-36. Traffic Lanes. [Ord. No. 252, §1]

- (a) The board of aldermen is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.
- (b) Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

ARTICLE V
Speed Regulations

Section 13-37. State Speed Laws Applicable. [Ord. No. 252 §1; Ord. No. 2060 §1, 9-2-2008]

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the City; except, that the City may declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof, but no City ordinance shall regulate the speed of vehicles upon controlled access highways of the State.

Section 13-38. Speed Limits Established. [Ord. No. 370 §1; Ord. No. 381, §1; Ord. No. 463, §1; Ord. No. 478, §1; Ord. No. 511, §3; Ord. No. 538, §§2,3; Ord. No. 547, §1; Ord. No. 550, §1; Ord. No. 614, §2; Ord. No. 749, §1; Ord. No. 760, §1; Ord. No. 775, §1; Ord. No. 793, §1; Ord. No. 844, §1; Ord. No. 874, §1; Ord. No. 882, §§1,2; Ord. No. 1039 §1, 11-17-1992; Ord. No. 1048 §1, 5-4-1993; Ord. No. 1055 §1, 6-1-1993; Ord. No. 1217 §1, 4-2-1996; Ord. No. 1407 §1, 6-1-1999; Ord. No. 1416 §1, 8-17-1999; Ord. No. 1425 §1, 10-5-1999; Ord. No. 1442 §4, 2-15-

2000; Ord. No. 1455 §3, 6-6-2000; Ord. No. 1456 §1, 6-6-2000; Ord. No. 1493 §2, 11-7-2000; Ord. No. 1833 §1, 6-1-2005; Ord. No. 1976 §2, 6-5-2007; Ord. No. 2060 §2, 9-2-2008]

The City is hereby authorized to regulate the speed of all vehicles on all streets within the City, which shall be designated by signage as authorized and erected or directed to be erected by the City. It shall be unlawful for any person to drive at a speed in excess of thirty (30) miles per hour on all streets within the City limits unless otherwise specified by City authorized speed limit signage.

Section 13-39. Regulation of Speed by Traffic Signals. [Ord. No. 252, §1]

The board of aldermen is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

Section 13-39.5. Board of Aldermen to Establish and Designate School Zones; Maintenance of Signs; School Zone Speed Limits and Effective Hours. [Ord. No. 935 §1; Ord. No. 1315 §1, 10-21-1997]

- (a) Whenever any ordinance of the City designates a street adjacent to school property as a school zone, the Board of Aldermen shall place and maintain such signs, devices, crosswalks and marks or lines upon the surface of the roadway as shall be necessary for the protection of school children and other pedestrians. All such signs, devices, markings, etc. shall conform to the applicable standards of the State Highway Commission.
- (b) Signs designating the school zone speed limit shall be maintained at a distance of seventy-five (75) feet from the point at which the street adjoins the nearest property line of the school. Signs designating that a school zone is ahead shall be maintained at a distance of two hundred twenty-five (225) feet from the nearest point at which the street adjoins the property line of the school.
- (c) The school zone speed limit shall be in force on school days when children are present.
- (d) It shall be unlawful to drive at a speed in excess of twenty (20) miles per hour in all school zones within the City on school days when children are present.

Section 13-39.7. School Zones Established. [Ord. No. 935 §1; Ord. No. 1039 §2, 11-17-1992; Ord. No. 1315 §2, 10-21-1997; Ord. No. 1629 §1, 9-3-2002]

The following streets are designated as school zones in which the provisions of Section 13-39.5 shall apply when conditions exist as set forth in Section 13-39.5(c):

Bald Hill Road (Geggie Elementary School)
East North Street (Blevins Elementary School)
Meramec Boulevard (St. Mark's Lutheran Elementary School)
North Central Avenue (Individualized Learning Center and Central Baptist Pre-school)

Stockell Drive (Individualized Learning Center)

Section 13-39.8. Speeding in a Construction Zone. [Ord. No. 1553 §1, 9-4-2001]

Pursuant to Section 304.580, RSMo., there shall be an additional fine of two hundred fifty dollars (\$250.00) for speeding or passing in a construction zone if a construction worker is present. A sign shall be erected by the Missouri Department of Transportation warning drivers that a two hundred fifty dollar (\$250.00) fine will be imposed for speeding or passing in a construction zone.

ARTICLE VI
Turning Movements

Section 13-40. Required Position and Method of Turning at Intersection. [Ord. No. 252 §1]

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

- (a) *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.
- (b) *Left turns on two-way roadways.* 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 and 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.
- (c) *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) 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 and 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.

Section 13-41. Authority to Place and Obedience to Turning Markers. [Ord. No. 252 §1]

- (a) The Board of Aldermen 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 such 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 thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 13-42. Authority to Place Restricted Turn Signs. [Ord. No. 252, §1; Ord. No. 300, §12; Ord. No. 301, §1; Ord. No. 2060 §3, 9-2-2008]

- (a) The board of aldermen is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and 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 same shall be plainly indicated on the signs or they may be removed when such turns are permitted.
- (b) (Reserved)

Section 13-43. Obedience to No-Turn Signs. [Ord. No. 252, §1]

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

Section 13-44. Limitations on Turning Around. [Ord. No. 252, §1]

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.

ARTICLE VII One-Way Streets and Alleys

Section 13-45. Authority to Sign One-Way Streets and Alleys. [Ord. No. 252, §1]

Whenever any ordinance of the city designates any one-way street or alley the board of aldermen shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 13-46. Traffic on One-Way Streets and Alleys. [Ord. No. 252, §1]

Upon those streets and parts of 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.

Section 13-46.1. One-Way Streets and Alleys. [Ord. No. 745, §1; Ord. No. 1039 §3, 11-17-1992; Ord. No. 2159 §1, 2-15-2011]

Traffic shall be one-way, southbound, in the alley west of South Central Avenue from West Frisco Street to Dreyer Avenue and one-way, southbound, on Riley Baker Way.

Section 13-47. Authority to Restrict Direction of Movement on Streets During Certain Periods. [Ord. No. 252, §1]

- (a) The board of aldermen 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 board of aldermen may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.
- (b) It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.

ARTICLE VIII

Stop and Yield Intersections, Railroad Crossings, Etc.

Section 13-48. Through Streets Designated. [Ord. No. 252, §1]

Those streets and parts of streets described by ordinances of the city are declared to be through streets for the purposes of this article.

Section 13-49. Signs Required at Through Streets. [Ord. No. 252, §1]

Whenever any ordinance of the city designates and describes a through street, it shall be the duty of the board of aldermen to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, that at the intersection of two such 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 such streets as may be determined by the board of aldermen upon the basis of an engineering and traffic study.

Section 13-50. Other Intersections Where Stop or Yield Required. [Ord. No. 875, §1]

The board of aldermen are hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and determine whether vehicles shall stop at one or more entrances to any such intersection, in which event they shall cause to be erected a stop sign or a light signal at every such place where a stop is required, or whether vehicles yield the right-of-way to vehicles on a different street at such intersection as prescribed at section 13-55, in which event they shall cause to be erected a yield sign at every place where obedience thereto is required.

Section 13-51. Stop Intersections and Other Locations Designated. [Ord. No. 253, §1; Ord. No. 300, §2; Ord. No. 327, §1; Ord. No. 334, §1; Ord. No. 351, §1; Ord. No. 370, §2; Ord. No. 395, §1; Ord. No. 445, §1; Ord. No. 475, §1; Ord. No. 511, §1; Ord. No. 554, §1; Ord. No. 579, §1; Ord. No. 591, §1; Ord. No. 615, §§1,3; Ord. No. 743, §1; Ord. No. 748, §1; Ord. No. 770, §1; Ord. No. 814, §1; Ord. No. 843, §1; Ord. No. 876, §1; Ord. No. 877, §1; Ord. No. 940, §1.; Ord. No. 951 §1, 4-3-1990; Ord. No. 967 §1, 8-7-1990; Ord. No. 980 §1, 12-18-1990; Ord. No. 1026 §1, 5-19-1992; Ord. No. 1039 §§4-5, 11-17-1992.; Ord. No. 1052 §1, 6-1-1993; Ord. No. 1053 §1, 6-1-1993; Ord. No. 1101 §1, 5-17-1994; Ord. No. 1140 §§1 — 2, 11-15-1994; Ord. No. 1200

§1, 12-5-1995; Ord. No. 1398 §1, 3-2-1999; Ord. No. 1425 §2, 10-5-1999; Ord. No. 1426 §1, 10-19-1999; Ord. No. 1442 §2, 2-15-2000; Ord. No. 1455 §2, 6-6-2000; Ord. No. 1467 §1, 7-18-2000; Ord. No. 1479 §1, 9-19-2000; Ord. No. 1493 §1, 11-7-2000; Ord. No. 1529 §1, 6-5-2001; Ord. No. 1571 §1, 11-20-2001; Ord. No. 1578 §1, 12-18-2001; Ord. No. 1597 §1, 3-5-2002; Ord. No. 1607 §1, 4-16-2002; Ord. No. 1626 §1, 8-20-2002; Ord. No. 1654 §1, 10-15-2002; Ord. No. 1661 §1, 12-3-2002; Ord. No. 1695 §1, 6-3-2003; Ord. No. 1704 §1, 7-1-2003; Ord. No. 1750 §1, 3-16-2004; Ord. No. 1775 §1, 8-17-2004; Ord. No. 1791 §1, 9-21-2004; Ord. No. 1870 §1, 11-1-2005; Ord. No. 1886 §1, 1-3-2006; Ord. No. 1934 §1, 8-15-2006; Ord. No. 1942 §3, 9-19-2006; Ord. No. 1958 §1, 2-6-2007; Ord. No. 1976 §1, 6-5-2007; Ord. No. 1981 §1, 6-19-2007; Ord. No. 1990 §1, 8-21-2007; Ord. No. 1994 §1, 9-11-2007; Ord. No. 2015 §1, 11-20-2007; Ord. No. 2035 §1, 3-5-2008; Ord. No. 2036 §1, 3-18-2008; Ord. No. 2060 §4, 9-2-2008]

In accordance with the provisions of Section 13-50, the City is hereby authorized to identify intersections and other locations at which the drivers of all vehicles shall stop, which shall be designated by signage as authorized and erected or directed to be erected by the City.

Section 13-51.1. Yield Intersections Designated. [Ord. No. 445, §1; Ord. No. 615, §2; Ord. No. 747, §1; Ord. No. 878, §1; Ord. No. 1039 §6, 11-17-1992; Ord. No. 2060 §5, 9-2-2008]

In accordance with the provisions of Section 13-50, the City is hereby authorized to identify yield intersections at which the drivers of all vehicles shall yield the right-of-way, which shall be designated by signage as authorized and erected or directed to be erected by the City.

Section 13-52. School Stop Signs.¹

Section 13-52.1. Stopping When Pedestrian in Crosswalk. [Ord. No. 738 §1]

The board of aldermen is hereby authorized to determine the location of crosswalks and shall place and maintain appropriate signs and striping, indicating the same to denote that motorists must stop when there is a pedestrian in the crosswalk. The driver of a vehicle approaching a crosswalk shall stop before entering the crosswalk on the near side of the intersection if there is a pedestrian in the crosswalk.

Section 13-53. Stop and Yield Signs Generally. [Ord. No. 252 §1]

- (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, in the event there is no crosswalk, at a clearly marked stop line, but if none, then 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, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none,

¹. Editor's Note — Ord. No. 1039 §7, enacted on November 17, 1992 deleted the provisions in this section 13-52 which were derived of Ord. No. 253 §2.

then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

Section 13-54. Vehicles Entering Stop Intersection. [Ord. No. 252, §1]

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 subsection (b) of section 13-53, 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 such driver is moving across or within the intersection.

Section 13-55. Vehicle Entering Yield Intersection. [Ord. No. 252, §1]

The driver of a vehicle approaching a yield sign shall, in obedience to such 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 such driver is moving across or within the intersection; provided, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

Section 13-56. Emerging from Alley, Driveway or Building. [Ord. No. 252, §1]

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.

Section 13-57. Stop when Traffic Obstructed. [Ord. No. 252, §1]

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.

Section 13-58. Obedience to Signal Indicating Approach of Train. [Ord. No. 252, §1]

- (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet, but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
 - (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.

- (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train.
 - (3) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- (b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

ARTICLE IX
Miscellaneous Driving Rules

Section 13-59. Following Fire Apparatus Prohibited. [Ord. No. 252, §1]

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 five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Section 13-60. Crossing Fire Hose. [Ord. No. 252, §1]

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Section 13-61. Driving Through Funeral or Other Procession. [Ord. No. 252, §1]

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 chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

Section 13-62. Driving in Procession. [Ord. No. 252, §1]

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

Section 13-63. Funeral Procession to be Identified. [Ord. No. 252, §1]

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division.

Section 13-64. When Permits Required for Parades and Processions. [Ord. No. 252, §1]

No funeral, procession or parade containing two hundred or more persons or fifty or more vehicles except the forces of the United States army or navy, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed

along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.

Section 13-65. Vehicles Not to be Driven on a Sidewalk. [Ord. No. 252, §1]

The driver of a vehicle shall not drive within any sidewalk area except as a permanent or temporary driveway.

Section 13-65.1. Driving Vehicles in Public Parks. [Ord. No. 308, §1]

It shall be unlawful for any person to operate a motor vehicle upon and within a public park within the limits of the city except upon the defined roadways thereof.

Section 13-65.2. Detour or Avoidance of Intersection. [Ord. No. 831, §1]

It shall be unlawful for the operator of any vehicle within the city of Eureka to drive on to business property, including but not limited to gas stations, parking lots, driveways and drive-throughs, for the purpose of detouring around or avoiding an intersection.

Section 13-66. Limitations on Backing. [Ord. No. 252, §1]

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Section 13-67. Opening and Closing Vehicle Doors. [Ord. No. 252, §1]

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.

Section 13-68. Riding on Motorcycles. [Ord. No. 252, §1; Ord. No. 585, §§1, 2]

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

Every person operating or riding as a passenger on any motorcycle, as defined in section 13-1, upon any highway of this city, shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the state.

Section 13-68.1. Motorcycle's Special License and Protective Headgear. [Ord. No. 832, §1.; Ord. No. 2234 §1, 8-7-2012]

It shall be unlawful for any person who is a resident of Missouri to:

- (a) Operate a motorcycle within the City of Eureka unless such person has a valid operator's or chauffeur's license which shows that he has successfully passed an examination for the operation of a motorcycle as prescribed by the Director of Revenue;
- (b) Authorize or knowingly permit a motorcycle owned by him or under his control to be driven within the City of Eureka by any person who's operator's or chauffeur's license does not indicate that the person has passed the examination for the operation of a motorcycle or has been issued an instruction permit therefore;
- (c) Operate a motorcycle with an instruction permit, or chauffeur's or operator's license issued to another person.
- (d) Every person operating or riding as a passenger of any motorcycle smaller than 50cc in size who is less than seventeen (17) years of age shall wear protective headgear at all times the motorcycle is in motion on a public roadway or on a private roadway when a traffic regulation enforcement agreement is in effect. The protective headgear shall meet reasonable standards and specifications as established by the Director of Revenue for the State of Missouri.

Every person operating or riding as a passenger of any motorcycle as defined in section 13-1, within the City of Eureka shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications as established by the Director of Revenue for the State of Missouri.

Section 13-69. Bicycle Equipment. [Ord. No. 1080 §§1 — 2, 1-18-1994]

- (a) Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.
- (b) Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) 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 five hundred (500) feet.
 - (2) A rear-facing red reflector, at least two (2) square inches in reflective surface area, 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 six hundred (600) feet.
 - (3) Essentially colorless or amber reflectors on both the front and rear surfaces of all pedals. Each pedal reflector shall be recessed below the plane of the pedal or reflector housing. Each reflector shall be at least ninety one-hundredths square inches in projected effective reflex area, and must be 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 two hundred (200) feet; and

- (4) A side-facing essentially colorless or amber reflector visible on each side of the wheel mounted on the wheel spokes of the front wheel within three (3) inches of the inside of the wheel rim and a side-facing essentially colorless or red reflector mounted on the wheel spokes of the rear wheel within three (3) inches of the inside of the wheel rim, or continuous retroreflective material on each side of both tires which shall be at least three-sixteenths (3/16) of an inch wide. All such reflectors or retroreflective tire sidewalls shall be 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 three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.
- (c) Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by chapter 304, RSMo., except as to special regulations in sections 307.180 to 307.193 and except as to those provisions of chapter 304, RSMo., which by their nature can have no application.
- (1) Every person operating a bicycle or motorized bicycle upon a street or highway 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.
 - (2) Wherever a usable path for bicycles practical for sustained riding for transportation purposes has been officially designated adjacent to a street or highway, bicycle riders shall use such path and shall not use the street or highway.
- (d) Any person seventeen (17) years of age or older who violates any provision of sections 307.180 to 307.193 is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). Such an infraction does not constitute a crime and conviction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. If any person under seventeen (17) years of age violates any provision of sections 307.180 to 307.193 in the presence of a peace officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.
- (e) No person shall operate a motorized bicycle on any highway or street in this state unless he has a valid operator's or chauffeur's license.

- (1) No motorized bicycle may be operated on any public thoroughfare located within this state which has been designated as part of the federal interstate highway system.
- (2) No person shall operate a motorized bicycle on any street or highway in this state unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDES, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission, this state being a party thereto as provided in section 307.250, RSMo., and the regulation is hereby approved as provided in section 307.260, RSMo., and the regulation shall be published in the code of state regulations.
- (3) No person shall ride a bicycle upon a sidewalk within a business district.
- (4) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

Section 13-70. Clinging to Vehicle. [Ord. No. 252, §1; Ord. No. 1646 §1, 9-17-2002]

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. Neither shall the driver of the vehicle knowingly pull a rider behind a vehicle.

Section 13-71. Controlled Access. [Ord. No. 252, §1]

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

Section 13-71.1. Railroad Trains — Speed Limits; Signs. [Ord. No. 375, §1; Ord. No. 380, §§12; Ord. No. 434, §1]

It shall be unlawful for any individual, partnership, corporation, or agent or employee thereof, to operate any railroad engine, locomotive, train or car within the city limits at a speed in excess of fifty-five miles per hour within one thousand feet of the first railroad-street intersection upon entering the city; or to accelerate the speed of such vehicle beyond fifty-five miles per hour until the engine, locomotive or first car has passed the last intersection upon leaving the city. In no event, except for bona fide emergencies and backing operations, shall the speed of such vehicle be reduced to less than fifteen miles per hour.

The city shall erect and maintain an appropriate sign on the railroad right-of-way at a point one thousand feet east of the easternmost railroad-street intersection and one thousand feet west of the westernmost railroad-street intersection in the city reading as follows:

"1,000 feet from intersection Maximum speed 55 miles per hour Minimum speed 15 miles per hour."

Section 13-72. Same — Blocking Streets. [Ord. No. 252, §1; Ord. No. 375, §2]

It shall be unlawful for any individual, partnership, corporation or agent or employee thereof, to operate any railroad engine, locomotive, train or car within the city limits so as to block any highway, street or avenue for a period of time in excess of five minutes.

Section 13-72.1. Same — Penalties. [Ord. No. 375, §3]

Any person, partnership, corporation or agent or employee thereof, who shall violate or cause to be violated any of the foregoing speed or blockage provisions shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined at the rate of fifty dollars per mile for each mile in excess of the twenty-five mile per hour maximum speed, fifty dollars per mile for each mile less than the fifteen mile per hour minimum speed, to a maximum fine in each instance of not more than five hundred dollars and to a fine not to exceed five hundred dollars for each instance of street or highway blockage, and/or imprisonment in the county jail for not more than six months for each such violation.

Section 13-73. Driving Through Safety Zone Prohibited. [Ord. No. 252, §1]

No vehicle shall at any time be driven through or within a safety zone.

Section 13-73.1. Bridge Weight Limits. [Ord. No. 2146 §1, 11-9-2010; Ord. No. 2248 §1, 11-20-2012]

The following weight limits are imposed on the bridges enumerated and described below:

- (a) The bridge located on O'Sullivan Avenue, parallel with Six Flags Road, south of U.S. Highway 66 shall be restricted to vehicles licensed for thirteen (13) tons for single-axle vehicles and twenty-three and four-tenths (23.4) tons for multiple-axle vehicles. This provision shall not apply to utility company vehicles.
- (b) All bridges located on Hunters Ford Road shall be restricted to vehicles licensed for thirteen (13) tons for single-axle vehicles and twenty-three and four-tenths (23.4) tons for multiple-axle vehicles. This provision shall not apply to utility company vehicles.

Section 13-73.2. Use of Vehicles Licensed to Haul in Excess of Thirty-Six Thousand Pounds. [Ord. No. 358 §§1, 2; Ord. No. 535 §2; Ord. No. 1538 §1, 7-17-2001]

- (a) Except for the limited purpose of effecting occasional pick-up delivery service, no vehicle licensed to haul in excess of thirty-six thousand (36,000) pounds, except for public transportation vehicles, shall be moved or operated on any street, thoroughfare or alley of the City, other than on Allen Road, Main Street east of the Redi-Mix Plant to Central Avenue, and thoroughfares maintained by the State.
- (b) Signs giving notice of the foregoing provisions shall be erected and maintained by the City at all points of entrance for vehicular traffic into the City.

Section 13-73.3. Front Seat Passenger Limitation. [Ord. No. 828, §1]

It shall be unlawful for an operator of a motor vehicle within the City of Eureka to allow more than three (3) adults to occupy the front seat of the motor vehicle, except therefrom pickup trucks of 1/2 ton or larger. For purposes of this section, an adult shall be defined as being at least sixteen years of age.

Section 13-73.4. All-Terrain Vehicles Prohibited. [Ord. No. 827, §1; Ord. No. 1640 §1, 9-17-2002; Ord. No. 2048 §1, 6-17-2008]

- (a) It shall be unlawful to operate a three- or four-wheeled all-terrain vehicle (ATV) on any roadway, street, City Park, City easements, City right-of-way or highway within the City of Eureka except as follows:
 - (1) All-terrain vehicles owned and operated by a governmental entity for official use;
 - (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation; and
 - (3) All-terrain vehicles whose operators carry a special permit issued by this City pursuant to Section 304.013, RSMo.
- (b) No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., 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 State at such road crossings as are customary or part of the highway system.
- (c) It shall be unlawful to operate an all-terrain vehicle on private property within one hundred (100) feet of another's residential property, unless such is being operated for property maintenance purposes.
- (d) A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid license issued by a State authorizing such person to operate a motor vehicle, 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 thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) 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 thirty (30) square inches and shall be day-glow in color.
- (e) No person shall operate an all-terrain vehicle:
 - (1) In a careless way as to endanger the person or property of another;
 - (2) While under the influence of alcohol or any controlled substances; or

- (3) 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 eight (8) years of age.
- (f) No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.
- (g) For purposes of this Section, an "all-terrain vehicle" shall be defined as any motorized vehicle manufactured exclusively for off highway use which is fifty (50) inches or less in width, with an unladen weight of six hundred (600) pounds or less, traveling on three (3) or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control.
- (h) A violation of this section shall be a class C misdemeanor.

Section 13-73.5. Following Too Closely. [Ord. No. 1162 §1, 5-2-1995]

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. This section shall in no manner affect Section 304.044 (RSMo.) relating to distance between trucks traveling on the highway.

Section 13-73.6. Legends Parkway — Utilizing Bike Path for Vehicle Travel Prohibited. [Ord. No. 1442 §3, 2-15-2000]

Legends Parkway shall be considered to have one (1) traffic lane for each direction of travel, and it shall be unlawful to utilize the bike path which parallels each traffic lane for purposes of passing another vehicle.

Section 13-73.7. Regulation of Motor Vehicle Weight Limits Within Portions of the Legends Development — Trip Permits. [Ord. No. 1500 §1, 12-19-2000; Ord. No. 1609 §§1, 3, 5-21-2002; Ord. No. 1698 §1, 6-3-2003]

- (a) Motor vehicles or trailers, including the weight of any load, weighing in excess of sixty thousand (60,000) pounds actual weight are hereby prohibited from traveling or parking on the following roadways, unless a valid trip permit has been issued by the City:

- Legends Parkway
- Legends View Drive
- Meramec View Drive
- Southern Hills Court
- Southern Hills Drive
- Spring Cove Court
- Stone Spring Court
- Stone Spring Drive
- Vista Glen Court
- Vista Hills Court

The City of Eureka or its agent shall be authorized to use any means available, including any weighing device or scale, to determine the actual weight of any motor vehicle or trailer traveling or parking on the aforementioned streets. The costs incurred for such weighing operations, including personnel costs, shall be documented by the City. Any person upon conviction of a violation of the provisions of this Section shall pay a recoupment fee to the City for the costs actually incurred by the City.

- (b) Any person violating this provision shall upon conviction be punished by a fine of two hundred fifty dollars (\$250.00) for the first (1st) offense. Second (2nd) and subsequent violations of this provision shall upon conviction be punished by a fine of not less than five hundred dollars (\$500.00).
- (c) *Valid Trip Permits.* Any vehicle or trailer in excess of sixty thousand (60,000) pounds shall obtain a trip permit from the City prior to traveling or parking on any portion of Legends Parkway or the other private roads listed herein above in Subsection (a). Any such application for a trip permit shall include a deposit in the sum of one hundred dollars (\$100.00), in addition to any other fees required, which shall be deposited into an interest-bearing account to be held by the City for use by the Legends Homeowners' Association for actual repairs to Legends Parkway.

Section 13-73.8. Passing Regulations; Violation, Penalties. [Ord. No. 1713 §1, 8-19-2003]

- (a) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:
 - (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and
 - (2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's 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 City street with unobstructed pavement of sufficient width for two (2) or more lines of vehicles in each direction;
 - (3) Upon a one-way street;
 - (4) Upon any highway within of the City with unobstructed pavement of sufficient width and clearly marked for four (4) or more lines of traffic. The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions 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. The provisions of this Subsection shall not relieve the driver of a slow-moving vehicle 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 (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway 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 in the event another vehicle might approach from the opposite direction;
 - (2) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection or railroad grade crossing.
- (e) Violation of this Section shall be deemed an infraction as provided in Section 1-7 of the Municipal Code of the City of Eureka.

Section 13-73.9. Distance at Which Vehicle Must Follow, Penalty. [Ord. No. 1713 §2, 8-19-2003]

- (a) The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This Section shall in no manner affect Section 304.044, RSMo., relating to distance between trucks traveling on the highway.
- (b) Violation of this Section shall be deemed an infraction as provided in Section 1-7 of the Municipal Code of the City of Eureka.

Section 13-73.10. Text Messaging and Using Hand-Held Mobile Devices While Operating Motor Vehicle. [Ord. No. 2293 §1, 2-18-2014]

- (a) Except as otherwise provided in this section, no person twenty-one (21) years of age or younger operating a moving motor vehicle upon the highways of this State shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message.

- (b) Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a hand-held mobile telephone.
- (c) Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a wireless communications device to send, read, or write a text message or electronic message.
- (d) The provisions of Subsections (a) through (c) of this Section shall not apply to a person operating:
 - (1) An authorized emergency vehicle; or
 - (2) A moving motor vehicle while using a hand-held electronic wireless communications device to:
 - a. Report illegal activity;
 - b. Summon medical or other emergency help;
 - c. Prevent injury to a person or property; or
 - d. Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.
- (e) Nothing in this Section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a noncommercial motor vehicle upon the highways of this State.
- (f) As used in this Section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message or a command or request to access an Internet site.
- (g) As used in this Section, "hand-held electronic wireless communications device" includes any hand-held cellular phone, Palm Pilot, Blackberry, iPhone, Android or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.
- (h) As used in this Section, "making or taking part in a telephone call" means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.
- (i) As used in this Section, "send, read, or write a text message or electronic message" means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.

- (j) The provisions of this section shall not apply to:
 - (1) The operator of a vehicle that is lawfully parked or stopped;
 - (2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;
 - (3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;
 - (4) The use of voice-operated technology;
 - (5) The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.

ARTICLE X
Pedestrians' Rights and Duties

Section 13-74. Pedestrians Subject to Traffic Control Devices. [Ord. No. 252, §1]

Pedestrians shall be subject to traffic control signals as heretofore declared in sections 13-27 and 13-28, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this article.

Section 13-75. Pedestrians' Right-of-Way in Crosswalks. [Ord. No. 252, §1]

- (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 a 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 stated in subsection (b) of section 13-78.
- (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.

Section 13-76. Pedestrians to Use Right Half of Crosswalks. [Ord. No. 252, §1]

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

Section 13-77. Crossing at Right Angles. [Ord. No. 252, §1]

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.

Section 13-78. When Pedestrian shall Yield. [Ord. No. 252, §1]

- (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.
- (c) The foregoing rules in this section have no application under the conditions stated in section 13-79 when pedestrians are prohibited from crossing at certain designated places.

Section 13-79. Prohibited Crossing. [Ord. No. 252, §1]

- (a) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- (b) No pedestrian shall cross a roadway other than in a crosswalk in any business district.
- (c) No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance.
- (d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

Section 13-80. Obedience of Pedestrians to Bridge and Railroad Signals. [Ord. No. 252, §1]

- (a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.
- (b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

Section 13-81. Pedestrians Walking Along Roadways. [Ord. No. 252, §1]

- (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 practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

Section 13-82. Drivers to Exercise Highest Degree of Care. [Ord. No. 252, §1]

Notwithstanding the foregoing provisions of sections 13-27 to 13-82, 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.

**ARTICLE XI
Method of Parking**

Section 13-83. Standing or Parking Close to Curb. [Ord. No. 252, §1]

Except as otherwise provided in this article, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb.

Section 13-84. Signs or Markings Indicating Angle Parking Generally. [Ord. No. 252, §1]

- (a) The board of aldermen shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any federal-aid or state highway within the city unless the state highway commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- (b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or upon any streetcar tracks.

Section 13-85. Obedience to Angle Parking Signs or Markers. [Ord. No. 252, §1]

On those streets which have been signed or marked by the board of aldermen for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Section 13-86. Permits for Loading or Unloading at an Angle to the Curb. [Ord. No. 252, §1]

- (a) The board of aldermen is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

- (b) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Section 13-87. Lamps on Parked Vehicles. [Ord. No. 252, §1]

- (a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred 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 roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. The foregoing provisions shall not apply to a motor driven cycle.
- (c) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

ARTICLE XII

Stopping, Standing or Parking Prohibited in Specified Places

Section 13-88. Generally. [Ord. No. 252 §1; Ord. No. 370 §3; Ord. No. 1281 §1, 4-15-1997]

- (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.
 - d. On a crosswalk.
 - e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the Board of Aldermen 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.
- (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- a. In front of a public or private driveway.
 - b. Within fifteen (15) feet of a fire hydrant.
 - c. Within twenty (20) feet of a crosswalk at an intersection.
 - d. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.
 - e. Within twenty (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 seventy-five (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 fifty (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.

Section 13-89. Parking Not to Obstruct Traffic. [Ord. No. 252 §1]

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

Section 13-90. Parking in Alleys. [Ord. No. 252 §1]

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.

Section 13-91. Parking for Certain Purposes Prohibited. [Ord. No. 252 §1]

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

- (a) Displaying such vehicle for sale.
- (b) Repairing such vehicle except repairs necessitated by an emergency.

Section 13-91.1. Overnight Parking of Trailers Prohibited. [Ord. No. 953 §1, 5-1-1990]

No person shall park a trailer overnight upon any roadway or street within the City of Eureka.

TRAILER: Any vehicle without motive power designed for carrying passengers or property on its own structure and for being drawn by a vehicle, except those running exclusively on tracks, but including a semi-trailer or vehicle of the trailer type, so designed and used in connection with any vehicle that a considerable part of its weight rests upon and is carried by the towing vehicle.

Section 13-91.2. Overnight Parking of Boats or Trailers Prohibited. [Ord. No. 954 §1, 5-1-1990]

No person shall park a boat or trailer overnight upon any roadway or street or between the building set-back lines and the street unless said boat or trailer is parked on a driveway.

Section 13-91.3. Parking of Recreational Vehicles. [Ord. No. 1171 §1, 6-6-1995]

It shall be unlawful for any person to park a recreational vehicle upon any roadway within the City for a period exceeding twenty-four (24) hours, except in a documentable emergency.

For purposes of this Section, a recreational vehicle is as defined in the Revised Statutes of Missouri, as amended, and as regulated and licensed by the Missouri Motor Vehicle Bureau.

Section 13-92. Parking Adjacent to Schools. [Ord. No. 252, §1]

- (a) The board of aldermen is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in its opinion, interfere with traffic or create a hazardous situation.
- (b) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

Section 13-93. Parking Prohibited on Narrow Streets. [Ord. No. 252 §1]

- (a) The board of aldermen is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty feet.

- (b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

Section 13-93.1. Parking Prohibited Within Ten Feet of Mailbox. [Ord. No. 826 §1]

No person shall park any vehicle within ten feet of either side of a mailbox within the City of Eureka, except therefrom such parking on Sundays and legal Holidays.

Section 13-94. Standing or Parking on One-Way Streets. [Ord. No. 252, §1]

The board of aldermen is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

Section 13-95. Standing or Parking on One-Way Roadways. [Ord. No. 252, §1]

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The board of aldermen is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

Section 13-96. No Stopping, Standing or Parking Near Hazardous or Congested Places. [Ord. No. 252, §1]

- (a) The board of aldermen is hereby authorized to determine and designate by proper signs places not exceeding one hundred feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- (b) When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

Section 13-96.1. Commercial Vehicles Weighing or Licensed to Haul in Excess of Twelve Thousand Pounds, Tractor-Trailers, Etc. [Ord. No. 359 §1; Ord. No. 706 §1; Ord. No. 712 §1]

The parking of commercial vehicles having a gross weight in excess of twelve thousand pounds or licensed to haul in excess of twelve thousand pounds, or any tractor or tractor-trailer truck unit, is prohibited in all residential zones and on all streets, thoroughfares, alleys and rights-of-way within the city limits.

Section 13-96.2. Fire Lanes. [Ord. No. 657 §1]

The fire marshal, with the approval of the board of aldermen, is authorized to designate fire lane areas on such portions of public or private streets, alleys, roadways or any area accessible to vehicles as the fire marshal may deem necessary to provide unobstructed

access to the fire department and other emergency vehicles. It shall be unlawful for any person to stop, park or leave a vehicle in or upon, or to obstruct in any manner, any fire lane so designated by the fire marshal.

Fire lanes legally designated by the fire marshal shall be posted with appropriate signs or markings as required by the fire marshal and approved by the board of aldermen so that the public will be aware of the existence of such fire lanes. In the case of any fire lane established on private property, the owner thereof shall provide such signs or markings at his own expense, and in cases of fire lanes designated on public property, the director of public works shall provide such signs or markings at the expense of the city.

Section 13-96.3. Roadway Parking Time Limit. [Ord. No. 2230 §1, 7-17-2012]

No person shall park a vehicle along roadway for a continuous twenty-four (24) hour period for more than seven (7) consecutive days.

Section 13-96.4. Compact Motor Vehicle Parking. [Ord. No. 2296 §1, 4-1-2014]

- (a) Compact motor vehicle parking spaces may be established by the Board of Aldermen as deemed necessary in the interest of traffic or public safety.
- (b) Compact motor vehicle parking spaces shall be designated by a combination of striping and signage.
- (c) An individual will be deemed to be in violation of this section if his or her vehicle projects beyond the established compact motor vehicle parking space striping in any direction.

ARTICLE XIII

Stopping for Loading or Unloading Only

Section 13-97. Board of Aldermen to Designate Curb Loading Zones. [Ord. No. 252 §1]

The board of aldermen is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

Section 13-98. Permits for Curb Loading Zones. [Ord. No. 252 §1]

The board of aldermen shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two signs to indicate the ends of each such zone. The board of aldermen upon granting a permit and issuing such signs shall collect from the applicant and deposit in the city treasury a service fee of ten dollars per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the city for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one year.

Section 13-99. Standing in Passenger Curb Loading Zone. [Ord. No. 252 §1]

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.

Section 13-100. Standing in Freight Curb Loading Zones. [Ord. No. 252 §1]

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

Section 13-101. Board of Aldermen to Designate Public Carrier Stops and Stands. [Ord. No. 252, §1]

The board of aldermen is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as it shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

Section 13-102. Stopping, Standing and Parking of Buses and Taxicabs Regulated. [Ord. No. 252, §1]

- (a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
- (b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
- (c) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- (d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

Section 13-103. Restricted use of Bus and Taxicab Stands. [Ord. No. 252, §1]

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and

appropriately signed; except, that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

ARTICLE XIV

Stopping, Standing or Parking Restricted or Prohibited on Certain Streets

Section 13-104. Applicability of Chapter. [Ord. No. 252 §1]

The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Section 13-105. Regulations not Exclusive. [Ord. No. 252, §1]

The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Section 13-106. Parking Prohibited at All Times on Certain Streets. [Ord. No. 252 §1; Ord. No. 263 §1; Ord. No. 300 §3; Ord. No. 316 §1; Ord. No. 318 §1; Ord. No. 347 §1; Ord. No. 455 §1; Ord. No. 492 §1; Ord. No. 515 §1; Ord. No. 516 §§1,2; Ord. No. 560 §1; Ord. No. 584 §§1 to 3; Ord. No. 704 §1; Ord. No. 711 §1; Ord. No. 746 §1; Ord. No. 750 §1; Ord. No. 817 §1; Ord. No. 879 §1.; Ord. No. 949 §1, 3-20-1990; Ord. No. 979 §1, 12-18-1990; Ord. No. 1039 §8, 11-17-1992; Ord. No. 1054 §1, 6-1-1993; Ord. No. 1115 §1, 8-2-1994; Ord. No. 1222 §1, 4-16-1996; Ord. No. 1269 §§1 — 2, 12-3-1996; Ord. No. 1281 §2, 4-15-1997; Ord. No. 1295 §1, 7-1-1997; Ord. No. 1384 §1, 11-17-1998; Ord. No. 1455 §4, 6-6-2000; Ord. No. 1493 §3, 11-7-2000; Ord. No. 1560 §1, 10-2-2001; Ord. No. 1567 §§1 — 2, 11-6-2001; Ord. No. 1585 §1, 1-15-2002; Ord. No. 1606 §1, 4-16-2002; Ord. No. 1660 §1, 12-3-2002; Ord. No. 1689 §1, 5-6-2003; Ord. No. 1702 §1, 6-17-2003; Ord. No. 1831 §1, 5-3-2005; Ord. No. 1869 §1, 11-1-2005; Ord. No. 1880 §1, 12-20-2005; Ord. No. 1901 §1, 4-4-2006; Ord. No. 1942 §2, 9-19-2006; Ord. No. 1947 §2, 11-21-2006; Ord. No. 1963 §§1 — 2, 3-20-2007; Ord. No. 2045 §1, 6-3-2008; Ord. No. 2046 §1, 6-17-2008; Ord. No. 2060 §6, 9-2-2008]

The City is hereby authorized to regulate streets or sections thereof throughout the City where no person shall park a vehicle at any time, which shall be designated by signage as authorized and erected or directed to be erected by the City.

Section 13-107. Parking Prohibited During Certain Hours on Certain Streets. [Ord. No. 252 §1; Ord. No. 317 §1; Ord. No. 328 §1; Ord. No. 425 §1; Ord. No. 534 §§1,2; Ord. No. 839 §1; Ord. No. 1039 §9, 11-17-1992; Ord. No. 1420 §2, 9-21-1999; Ord. No. 1434 §1, 11-16-1999; Ord. No. 1662 §1, 12-3-2002; Ord. No. 1842 §1, 8-2-2005; Ord. No. 1942 §1, 9-19-2006; Ord. No. 2060 §7, 9-2-2008]

The City is hereby authorized to regulate streets or sections thereof throughout the City where no person shall park a vehicle between or in excess of specific hours (except

Sundays and public holidays), which shall be designated by signage as authorized and erected or directed to be erected by the City.

Section 13-108. Stopping, Standing or Parking Prohibited During Certain Hours on Certain Streets. [Ord. No. 252 §1]

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

Section 13-109. Parking Signs Required. [Ord. No. 252, §1]

Whenever by this chapter or any ordinance of the city a parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the board of aldermen to erect appropriate signs giving notice thereof and no such regulations shall be effective unless such signs are erected and in place at the time of any alleged offense.

Section 13-110. Commercial Vehicles Prohibited from Using Certain Streets. [Ord. No. 252, §1]

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof, that no persons shall operate any commercial vehicle upon streets or parts of streets so described, except those commercial vehicles making deliveries thereon.

Section 13-110.1. Parking Places for Physically Disabled Persons.

That section 13-110.1 be added to the Code of the City of Eureka to read as follows:

Section 13-110.1.1. Definitions.

For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

- (a) **PHYSICALLY DISABLED** — Any natural person who has permanently lost the use of one or both legs or one or both arms or any combination thereof, any person who is so severely disabled as to be unable to move freely without the aid of crutches, braces, walker, canes, leg prosthesis, or wheelchair, or any person who suffers from lung disease to such an extent that his forced expiratory volume in one second (FEV), when measured by spirometry is less than one liter or his arterial oxygen tension (Po₂) is less than 60 mm/hg on room air at rest or any person who has a cardiovascular disease so severe as to measure between 3-4 on the New York heart classification scale.
- (b) **OWNER OR JOINT OWNERS OF MOTOR VEHICLES** — Residents of the State of Missouri, at least one of whom is physically disabled.
- (c) **HANDICAPPED PARKING SPACE** — Any space designated as reserved for handicapped persons by means of a sign upon which is inscribed the international

symbol of accessibility and/or the words "Handicapped Parking" whether upon public or private property open to public use.

- (d) **VEHICLES AUTHORIZED TO BE PARKED IN HANDICAPPED PARKING SPACE** — Those vehicles with one of the following:
 - (1) A state of Missouri or other state handicapped license plate; or
 - (2) A municipally issued handicapped identification card displayed in the rear window in the upper left-hand corner of the vehicle, or a handicapped parking sticker from a governmental source when such vehicle is being utilized by a physically disabled person.
 - (3) A driver who is obviously physically handicapped as defined above.
 - (4) Any motor vehicle designed and operated for transporting physically disabled persons.
- (e) **HANDICAPPED PARKING IDENTIFICATION CARD OR STICKER** — A card issued by the City of Eureka Clerk to persons determined to be eligible to park in spaces designated as "Handicapped Parking Space".
- (f) **VEHICLE** — Any non-commercial vehicle whose gross weight does not exceed 12,000 pounds.

Section 13-110.1.2. Issuance of Card by City Clerk.

The city clerk of the City of Eureka shall provide applications for persons requesting Handicapped Parking Identification Cards or stickers, and upon receipt of the completed application and accompanying letter from the applicant's physician shall issue the Handicapped Parking Identification Card or Sticker. Persons applying in person and who are obviously physically handicapped, shall not be required to submit a letter from their physician. Disabled persons living both within and outside the City of Eureka may be issued the Handicapped Parking Identification Card or Sticker.

Section 13-110.1.3. Prohibited Parking.

It shall be unlawful for any person to park or stand a vehicle or to own a vehicle which is parked in any "Handicapped Parking Space", unless said person is an owner or joint owner of a motor vehicle transporting a physically disabled person and such vehicle is one authorized to be parked in a "Handicapped Parking Space".

Section 13-110.1.4. Penalties. [Ord. No. 744, §1]

Any person violating any provision of this section shall be punished as provided in section 13-111 of this Code.

ARTICLE XV
Traffic Violations Bureau

Section 13-111. Establishments; Schedule of Fines Required. [Ord. No. 252, §3]

The municipal court shall establish a traffic violations bureau to assist the court with the clerical work of traffic cases. The bureau shall be in charge of such person and shall be open at such hours as the municipal judge may designate.

The judge of the municipal court who hears traffic cases shall designate the specified offenses under this chapter or under the traffic ordinances of the city and the state traffic laws in accordance with Supreme Court Rule No. 37.50 in respect to which payments of fines may be accepted by the traffic violations bureau in satisfaction thereof, and shall specify suitable schedules of the amount of such fines for first, second and subsequent offenses; provided, that such fines are within the limits declared by law or ordinance, and shall further specify what number of such offenses shall require appearance before the court.

Section 13-112. When Persons Charged May Elect to Appear at Bureau or Before Magistrate. [Ord. No. 252, §1]

- (a) Any person charged with an offense for which payment of a fine may be made to the traffic violations bureau shall have the option of paying such fine within the time specified in the notice of arrest at the traffic violations bureau upon entering a plea of guilty and upon waiving appearance in court; or may have the option of depositing required lawful bail, and upon a plea of not guilty shall be entitled to a trial as authorized by law.
- (b) The payment of a fine to the bureau shall be deemed an acknowledgment of conviction of the alleged offense, and the bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

Section 13-113. Hours of Operation; Persons to do Clerical and Collection Work. [Ord. No. 1166 §§1 — 2, 5-16-1995²]

The traffic bureau shall be at the City Hall, open to the public from 9:00 A.M. until 5:00 P.M. Monday thru Friday, except holidays and during election days when City Hall is a polling place.

The city clerk and the assistant city clerk shall be those who may handle the clerical work and collection work for this traffic bureau.

Any traffic ticket which has not been paid after five days after issuance excluding holidays, shall be referred to the municipal court by the traffic bureau.

Section 13-114. Duties of Traffic Violations Bureau. [Ord. No. 252, §1]

The following duties are hereby imposed upon the traffic violations bureau in reference to traffic offenses:

². Editor's Note — Ord. No. 1166 adopted on 5-16-1995 repealed Subsections (1) and (2) of §13-113. Ord. No. 1166 §3, 5-16-1995 amended 14-26 subsection (g) and (h) to take over these provisions.

- (a) It shall accept designated fines, issue receipts and represent in court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney.
- (b) It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket and notify the arresting officer and witnesses, if any, to be present.

Section 13-115. Traffic Violations Bureau to Keep Records. [Ord. No. 252, §1]

The traffic violations bureau shall keep records and submit summarized monthly reports to the municipal court of all notices issued and arrests made for violations of the traffic laws and ordinances in the city and of all the fines collected by the traffic violations bureau or the court, and of the final disposition or present status of every case of violation of the provisions of such laws and ordinances. Such records shall be so maintained as to show all types of violations and totals of each. Such records shall be public records.

Section 13-116. Additional Duties of Traffic Violations Bureau. [Ord. No. 252, §1]

The traffic violations bureau shall follow such procedure as may be prescribed by the traffic ordinances of the city or as may be required by any laws of this state.

ARTICLE XVI
Procedure on Arrest

Section 13-117. Forms and Records of Traffic Citations and Arrests. [Ord. No. 252, §1]

- (a) The municipal court shall provide books containing uniform traffic tickets as prescribed by Supreme Court Rule No. 37.46. Such books shall include serially numbered sets of citations in quadruplicate in the form prescribed by supreme court rule.
- (b) The municipal court shall issue such books to the chief of police or his duly authorized agent and shall maintain a record of every book so issued and shall require a written receipt for every such book.
- (c) The chief of police shall be responsible for the issuance of such books to individual members of the police department. The chief of police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

Section 13-118. Procedure of Police Officers. [Ord. No. 252, §1]

Except when authorized or directed under state law to immediately take a person before the judge of the municipal court for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall issue to him a uniform traffic ticket which shall be proceeded upon in accordance with Supreme Court Rule No. 37.

Section 13-119. Uniform Traffic Ticket to be Issued When Vehicle Illegally Parked or Stopped. [Ord. No. 252 §1; Ord. No. 1669 §4, 1-21-2003; Ord. No. 1744 §2, 2-3-2004]

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the City or by State law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a uniform traffic ticket or other citation for the driver to answer to the charge against him within seven (7) days during the hours and at a place specified in the traffic ticket.

Section 13-120. Warning of Arrest Sent Upon Failure to Appear. [Ord. No. 252, §1]

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a uniform traffic ticket affixed to such motor vehicle within a period of five days, the traffic violations bureau shall send to the owner of the motor vehicle to which the traffic ticket was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued.

Section 13-121. Police may Remove Vehicle. [Ord. No. 252, §1]

- (a) Members of the police department are authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the city under the circumstances hereinafter enumerated:
 - (1) When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
 - (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide its custody or removal.
 - (3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
- (b) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.
- (c) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the

vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and the name of the garage or place where the vehicle is stored.

Section 13-122. Liability of Officer, Etc., Removing Vehicle; Charges for Removal and Storage of Vehicle; Sale of Unredeemed Vehicle. [Ord. No. 159 §§2-3; Ord. No. 601 §§1-2; Ord. No. 1095 §2, 4-19-1994]

- (a) Any member of the police department, upon the discovery of any vehicle illegally parked or abandoned as provided in any traffic control ordinance of the city, may take such vehicle into his custody and may cause the same to be removed and stored in a proper place. No liability is attached to the officer ordering the removal and storage of such vehicle or for damage caused thereto or resulting therefrom, and any person towing or storing such vehicle at the request of any member of the police department shall have a lien on such vehicle for the towing and storage charges incurred.
- (b) Guidelines established in section 13-146 shall be used for disposal of vehicles impounded and not redeemed.

ARTICLE XVII
(Reserved)
[Repealed/Ord. No. 847, §1]

Section 13-123. (Reserved) [Repealed by Ordinance No. 847, §1]

Section 13-124. through Section 13-134. (Reserved) [Repealed by Ordinance No. 339, §1]

ARTICLE XVIII
Additional Regulations, Violations and Penalties

Section 13-135. Manner of Operation. [Ord. No. 315, §1; Ord. No. 414, §1]

Every person operating a motor vehicle on, upon or over any public street or thoroughfare within the city shall drive and operate the same in a careful and prudent manner and in the exercise of the highest degree of care, and at a rate of speed so as not to endanger the property of another, or the life or limb of any person.

Section 13-136. Driving While Intoxicated; Cost Recovered. [Ord. No. 1036 §§1 — 2, 10-6-1992; Ord. No. 1138 §§1-2, 11-15-1994; Ord. No. 1552 §§1-4, 9-4-2001]

- (a) It shall be unlawful for any person to operate a motor vehicle while in an intoxicated condition or while under the influence of intoxicants or drugs.
- (b) *Definitions.*

- (1) As used in this chapter, the term "*drive*", "*driving*", "*operates*" or "*operating*" means physically driving or operating or being in actual physical control of a motor vehicle.
 - (a) As used in this chapter, a person is in an "*intoxicated condition*" when he is under the influence of alcohol, a controlled substance, or drug, or combination thereof.
 - (b) As used in this chapter, the term "*law and enforcement officer*" or "*arresting officer*" includes the definition of law enforcement officer in subdivision (17) of Section 556.061, RSMo., and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the State of Missouri.
- (2) *Driving while intoxicated.* A person commits the crime of "*driving while intoxicated*" if he operates a motor vehicle while in an intoxicated or drugged condition.
 - (a) Driving while intoxicated is for the first offense, a class B misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two (2) years.
- (3) *Driving with excessive blood alcohol content.* A person commits the crime of "*driving with excessive blood alcohol content*" if he operates a motor vehicle in this State with eight-hundredths of one percent (.08%) or more by weight of alcohol in his blood.
 - (a) As used in this chapter, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.
 - (b) For the first offense, driving with excessive blood alcohol content is a Class B Misdemeanor.
- (4) *Chemical tests for alcohol content of blood — consent implied — administered, when, how.* Any person who operates a motor vehicle upon the public highways of this State or municipal roadways of this City shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a chemical test or tests of his breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of his blood if arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition. The

test shall be administered at the direction of the arresting law enforcement officer whenever the person has been arrested for the offense.

- (a) The implied consent to submit to the chemical tests listed in Subsection (4) above of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.
 - (b) Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid under the provisions of Sections 577.020 to 577.041, RSMo., shall be performed according to methods approved by the State Division of Health by licensed medical personnel or by a person possessing a valid permit issued by the State Division of Health for this purpose.
 - (c) The State Division of Health shall approve satisfactory techniques, devices, equipment, or methods to be considered valid under the provisions of Sections 577.020 to 577.041, RSMo., and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the State Division of Health.
 - (d) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing and at his expense administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.
 - (e) Upon the request of the person who is tested, full information concerning the test shall be made available to him.
- (5) *Chemical tests, how made, by whom, when-person tested to receive certain information, when.* A licensed physician, registered nurse, or trained medical technician at the place of his employment, acting at the request and direction of the law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. A non-alcoholic antiseptic shall be used for cleansing the skin prior to venipuncture. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him.

- (6) *Persons administering tests not liable, when.* No person who administers any test pursuant to the provisions of Sections 577.020 to 577.041, RSMo., upon the request of a law enforcement officer, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm, or corporation by whom or with which such person is employed or is in any way associated, shall be civilly liable in damages to the person tested unless for gross negligence or by willful or wanton act or omission.
- (7) *Inability of person to be tested to refuse, effect.* Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusing to take a test as provided in Sections 577.020 to 577.041, RSMo., shall be deemed not to have withdrawn the consent provided by Section 577.020, RSMo., and the test or tests may be administered.
- (8) *Chemical tests, results admitted into evidence, when, effect of.* Upon the trial of any person for violation of any of the provisions of Sections 577.005, 577.008, 577.010, or 577.012, RSMo., or upon the trial of any criminal action or violations of County or municipal ordinances arising out of acts alleged to have been committed by any person while driving a motor vehicle while in an intoxicated condition, the amount of alcohol in the person's blood at the time of the act alleged as shown by any chemical analysis of the person's blood, breath, saliva or urine is admissible in evidence and the provisions of Subdivision (5) of Section 491.060, RSMo., shall not prevent the admissibility or introduction of such evidence if otherwise admissible. If there was eight-hundredths of one percent (.08%) or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.
- (a) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood.
- (b) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated.
- (c) A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in Subsection (1) of this Section, shall have been performed as provided in Sections 577.020 to 577.041, RSMo., and in accordance with methods and standards approved by the State Division of Health.
- (d) Any charge alleging a violation of Sections 577.010 or 577.012, RSMo., or any County or municipal ordinance prohibiting driving while intoxicated or driving under the influence of alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva or urine performed in accordance with Sections 577.020 to 577.041, RSMo., and rules promulgated thereunder by the State Division of Health demonstrate that there was less than eight-hundredths

of one percent (.08%) of alcohol in the defendant's blood unless one (1) or more of the following considerations cause the court to find a dismissal unwarranted:

- (1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;
 - (2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or
 - (3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.
- (9) *Arrest without warrant, lawful, when.* An arrest with a warrant by a law enforcement officer, including a uniformed member of the State Highway Patrol, for a violation of Section 577.010 or 577.012, RSMo., is lawful whenever the arresting officer has reasonable grounds to believe that the person to be arrested has violated the Section, whether or not the violation occurred in the presence of the arresting officer; provided, however, that any such arrest without warrant must be made within one and one-half (1½) hours after such claimed violation occurred.
- (c) It shall be unlawful for any person to knowingly permit any person under the influence of intoxicating liquor or drugs to drive his or her motor vehicle.
- (d) *Refusal to submit to chemical test — revocation of license-hearing.*
- (1) If a person under arrest refuses upon the request of the arresting officer to submit to a chemical test, which request shall include the reasons of the officer for requesting the person to submit to a test and which also shall inform the person that his license may be revoked upon his refusal to take the test, then none shall be given. In this event, the arresting officer, if he so believes, shall make a sworn report to the Director of Revenue that he has reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated condition and that, on his request, refused to submit to the test. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one (1) year, or if the person arrested be a nonresident, his operating permit or privilege shall be revoked for one (1) year; or if the person is a resident without a license or permit to operate a motor vehicle in this State, an order shall be issued denying the person the issuance of a license or permit for a period of one (1) year.
 - (a) If a person's license has been revoked because of his refusal to submit to a chemical test, he may request a hearing before a court of record in the County in which he resides or in the County in which the arrest occurred. Upon his request the clerk of the court shall notify the

prosecuting attorney of the County and the prosecutor shall appear at the hearing on behalf of the arresting officer. At the hearing the judge shall determine only:

- (1) Whether or not the person was arrested;
 - (2) Whether or not the arresting officer had reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated condition; and
 - (3) Whether or not the person refused to submit to the test.
- (b) If the judge determines any issue not to be in the affirmative, he shall order the director to reinstate the license or permit to drive.
 - (c) Requests for review as herein provided shall go to the head of the docket of the court wherein filed.
- (2) If a person, when requested to submit to any test, requests to speak to an attorney, he should be granted twenty (20) minutes in which to attempt to contact an attorney. If upon the completion of the twenty (20) minute period, the person continues to refuse to submit to any test, it shall be deemed a refusal. In this event the arrest officer, if he so believes, shall make a sworn report to the Director of Revenue that he has reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated condition and that, on his request, refused to submit to the test.
- (e) A law enforcement officer who arrests any person for a violation of this section or for a violation of any state or county ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense, and in which the alcohol concentration in the person's blood or breath was eight-hundredths of one percent (.08%) or more by weight, shall forward to the Department of Revenue a verified report of all information relevant to the Department of Revenue, including information which adequately identifies the arrested person, a statement of the officer's grounds for belief that the person violated any ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense, a report of the results of any chemical tests which were conducted, and a copy of the citation and complaint filed with the court. The report shall be made on forms supplied by the Department of Revenue or in a manner specified by regulations of the department.
 - (f) Whenever the chemical test results are available to a law enforcement officer while the arrested person is still in custody, and when the results show an alcohol concentration of eight-hundredths of one percent (.08%) or more by weight of alcohol in his blood, the officer, acting on behalf of the department, shall serve the notice of suspension or revocation of the Department of Revenue personally on the arrested person.
 - (g) When the law enforcement officer serves the notice of suspension or revocation, the officer shall take possession of any driver's license issued by the State of Missouri

which is held by the person. When the officer takes possession of a valid driver's license issued by the State of Missouri, the officer, acting on behalf of the Department of Revenue, shall issue a temporary permit which is valid for fifteen days after its date of issuance and shall also give the person arrested a notice which shall inform him of his rights and responsibilities under sections 302.500 to 302.540, RSMo. The notice shall be in such a form so that the arrested person may sign the original as evidence of his receipt thereof. The notice shall also contain a detachable form permitting the arrested person to request a hearing. Signing the hearing request form and mailing such request to the Department of Revenue shall constitute a formal application for hearing.

- (h) A copy of the completed notice of suspension or revocation form, a copy of any completed temporary permit form, a copy of the Notice of Rights and Responsibilities given to the arrested person including any requests for hearing, and any driver's license taken into possession under this section shall be forwarded to the Department of Revenue by the officer along with the report as required in Subsection (d) hereof.
- (i) Upon a plea of guilty (whether followed by sentence, parole or suspended imposition of sentence, or any combination thereof), finding of guilt or conviction for an offense violating the provisions of this section the court may, in addition to imposition of any penalties provided by law, order the person to reimburse the state or local law enforcement authorities for the costs associated with such an arrest. Such costs shall include the reasonable costs of making the arrest, including the cost of any chemical test made under this chapter to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking, and holding such a person in custody. 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 costs are excessive. 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. The City Treasurer shall retain these fees in the city's General Fund.

Section 13-136.1. Persistent Offenders. [Ord. No. 1036 §3, 10-6-1992]

- (a) For purposes of this section, unless the context clearly indicates otherwise the following words shall have the meanings set out below:

INTOXICATED RELATED TRAFFIC OFFENSE — Includes driving while intoxicated, driving with excessive blood alcohol content, or driving under the influence of alcohol or drugs in violation of state law or county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing. A violation for driving while intoxicated or a conviction or a plea of guilty or a finding of guilty followed by a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any court shall be treated as an intoxicated related traffic offense.

PERSISTENT OFFENDER — One who has pled guilty to or has been found guilty of two (2) or more intoxicated related traffic offenses committed at different times within ten (10) years of a previous intoxicated related traffic offense conviction; and

PRIOR OFFENDER — One who has pled guilty to or has been found guilty of an intoxicated related traffic offense within five (5) years of previous intoxicated related traffic offense conviction.

- (b) Any person who pleads guilty or is found guilty of a violation of state law, county or municipal ordinance who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.
- (c) Any person who pleads guilty to or is found guilty of a violation of state law, county or municipal ordinance who is alleged and proved to be a persistent offender shall be guilty of a Class D felony.
- (d) No court shall suspend the imposition of sentence as to a prior or persistent offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he has served a minimum of forty-eight (48) consecutive hours of imprisonment.
- (e) The court shall find the defendant to be a prior offender or persistent offender, if:
 - (1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior or persistent offender; and
 - (2) Evidence is introduced that established sufficient facts pled to warrant a finding beyond a reasonable doubt that the defendant is a prior offender or persistent offender; and
 - (3) The court makes findings and facts that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender or persistent offender.
- (f) In a jury trial, the facts shall be pled and established prior to submission to the jury outside of its hearing. In a trial without a jury or upon a plea of guilty, the court may defer the proof and findings of such facts to a later time, but prior to sentencing.
- (g) The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence at such hearings. The defendant may waive proof of the facts alleged.
- (h) Nothing in this section shall prevent the use of presentence investigations or commitments.
- (i) At the sentencing hearing both the city and the defendant shall be permitted to present additional information bearing on the issue of sentence. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

- (j) The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior offenders or persistent offenders.
- (k) Evidence of prior conviction shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of conviction received by a search of the records of the Missouri Uniform Law Enforcement System maintained by the Missouri State Highway Patrol. After hearing the evidence, the court shall enter its findings thereon. A conviction of a violation for driving while intoxicated or a conviction or a plea of guilty or a finding of guilty followed by a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any court shall be treated as a prior conviction.

Section 13-136.2. Open Container While Driving. [Ord. No. 1036 §4, 10-6-1992; Ord. No. 1179 §§1-2, 6-20-1995]

- (a) It shall be unlawful for any person to consume or possess any open alcoholic beverage while operating or riding in a motor vehicle upon the state or county highways, streets, roads, parking lots or other thoroughfare located within the City of Eureka.
- (b) Any person found guilty of violating the provisions of this section is guilty of an infraction. Any infraction under this section shall be subject to a fine of not more than five hundred dollars (\$500.00).

Section 13-136.3. Abuse and Lose. [Ord. No. 1036 §5, 10-6-1992]

- (a) The court shall, upon the plea of guilty, conviction or finding of guilty, enter an order suspending or revoking the driving privileges of any person determined to have committed one of the following offenses and who, at the time said offense was committed, was under twenty-one (21) years of age:
 - (1) Any alcohol related traffic offense in violation of state law, county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing;
 - (2) Any offense in violation of state law, county or municipal ordinance, where the judge in the case was an attorney and the defendant was represented by or waived the right to an attorney in writing, involving the possession or use of alcohol, committed while operating a motor vehicle;
 - (3) Any offense involving possession or use of a controlled substance as defined in Chapter 195, RSMo. in violation of state law, county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing;
 - (4) Any offense involving the alteration, modification or misrepresentation of a license to operate a motor vehicle in violation of section 311.328, RSMo.;

- (5) Any offense in violation of state law, county or municipal ordinance where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, involving the possession or use of alcohol for a second time; except that a determination of guilty or its equivalent shall have been made for the first offense and both offenses shall have been committed by the person when the person was under eighteen (18) years of age.
- (b) The court shall require the surrender of any license to operate a motor vehicle then held by any person against whom a court has entered an order suspending or revoking driving privileges under Subsection (a) of this section.
- (c) The court shall forward to the Director of Revenue the order of suspension or revocation of driving privileges and any licenses acquired, as required by Subsection (b) of this section.
- (d) The period of suspension for a first (1st) offense under this section shall be ninety (90) days. Any second (2nd) or subsequent offense under this section shall result in revocation of the offender's driving privileges for one (1) year.
- (e) The court shall enter an order, in addition to other orders authorized by law, requiring the completion of an alcohol related education program which meets or exceeds minimum standards established by Department of Mental Health, as part of the judgement entered in the case, for any person determined to have violated a state law, county or municipal ordinance involving the possession or use of alcohol and who at the time of said offense was under twenty-one (21) years of age when the person pleads guilty, is convicted or found guilty of such offense by the court.

Section 13-137. Leaving Scene of Accident Without Supplying Certain Information. [Ord. No. 315, §1; Ord. No. 414, §1]

No person operating or driving a vehicle, motor propelled or otherwise, upon any public street or thoroughfare, knowing that an injury has been caused to a person or damage has been caused to property as the result of any accident shall leave the place of such injury, damage or accident without stopping and giving his name, residence, including city and street number, motor vehicle license number and/or chauffeur's or operator's number, to the injured party or the owner or person in charge of such damaged property, or to a police officer, or if no police officer is in the vicinity thereof, then to the nearest police station or judicial officer.

Section 13-138. Operator's License and Plates Required; Exception. [Ord. No. 315, §1; Ord. No. 414, §1; Ord. No. 833, §1.; Ord. No. 1669 §1, 1-21-2003]

It shall be unlawful for any person to operate any motor vehicle upon any public street or thoroughfare within the limits of the city without having an operator's or chauffeur's license so to do, or to operate any motor vehicle while such license has been suspended.

- (a) It shall be unlawful for any person to operate or park any motor vehicle upon any public street or thoroughfare without having the proper State license plates affixed thereto as issued for such vehicle.
- (b) It shall be unlawful for any person to knowingly permit an unlicensed operator to drive his motor vehicle.
- (c) The provisions of the first paragraph of this section shall not apply to farm tractors or other motor powered farm vehicles used in the vocation of farming.
- (d) It shall be unlawful for any person to display or to permit to be displayed, or to have in his possession, any chauffeur's license or motor vehicle operator's license knowing the same to be fictitious or to have been cancelled, suspended, revoked or altered; to lend to or knowingly permit the use of by another any chauffeur's license or motor vehicle operator's license issued to the person so lending or permitting the use thereof; to display or to represent as one's own any chauffeur's license or motor vehicle operator's license not issued to the person so displaying the same, or fail or refuse to surrender to the Municipal Court of the City of Eureka any chauffeur's license or motor vehicle operator's license which has been suspended, cancelled or revoked, as provided by law; to authorize or consent to any motor vehicle owned by him or under his control to be driven by any person, when he has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of the provisions of section 13 of the Code of the City of Eureka; to employ as a chauffeur of a motor vehicle, with knowledge that such person has not complied with the provisions of section 13 of the Code of the City of Eureka, or whose license as a chauffeur has been revoked, or suspended, during the period of such suspension; or who fails to produce his or her license upon demand of any person or persons authorized to make such demand.

Section 13-138.1. Violation of Restricted License. [Ord. No. 829, §1]

It shall be unlawful for any person within the City of Eureka to operate a motor vehicle or motor cycle in any manner in violation of the restrictions imposed on a restricted license issued to said person.

Section 13-138.2. Motor Vehicle Inspection Required. [Ord. No. 837 §1; Ord. No. 1081 §2, 1-18-1994; Ord. No. 1669 §2, 1-21-2003]

It shall be unlawful for any person to operate or park a motor vehicle upon a public street or thoroughfare within the limits of the City without a current State inspection sticker, seal or other device from a duly authorized official inspection station displayed upon the motor vehicle as prescribed by State regulations, except new motor vehicles for which application for title and registration is submitted on or after August 28, 1992; a new motor vehicle never registered or titled in Missouri or any other State. Ownership of a new motor vehicle is transferred by a franchised dealer on a manufacturer's statement of origin. First (1st) annual renewal of the new motor vehicles that were titled and registered on or after August 28, 1992, vehicles as defined are exempt from a vehicle safety/emissions inspection.

Section 13-138.3. Proof of Motor Vehicle Financial Responsibility. [Ord. No. 838, §1.; Ord. No. 1669 §3, 1-21-2003]

It shall be unlawful for any person to operate or park any motor vehicle upon any public street or thoroughfare within the limits of the City without having proof of motor vehicle financial responsibility as prescribed in Chapter 300, RSMo., 1987.

Section 13-139. Stopping for School Bus; Signs and Signals on School Bus. [Ord. No. 315 §1; Ord. No. 414 §1]

- (a) The driver of any motor vehicle upon any public thoroughfare within the limits of the city, upon meeting or overtaking in either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop such vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver or a police officer to proceed.
- (b) Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "SCHOOL BUS" in letters not less than eight inches in height. Each such bus shall also have lettered on the rear in plain and distinct type, "STOP WHILE BUS IS LOADING OR UNLOADING." Each school bus shall be equipped with a mechanical or electrical signaling device which will display a signal plainly visible from the front and rear thereof and indicating an intention to stop.

Section 13-140. Equipment — Lights. [Ord. No. 315 §1; Ord. No. 414 §1; Ord. No. 1556 §1, 9-4-2001]

- (a) No person shall drive, operate or put in motion any vehicle or combination of vehicles, motor powered or otherwise, on, over or upon any public thoroughfare within the limits of the City during the times when lighted lamps are required, unless such vehicle or vehicles display lighted lamps or illuminating devices as required in this Section. No person shall use on any vehicle any electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.
- (b) "When lighted lamps are required" means at any time from one-half (½) hour after sunset to one-half (½) hour before sunrise, and at any other time when there is not sufficient natural light to render clearly discernible persons, objects or vehicles on the highway at a distance of two hundred (200) feet.
- (c) Every motor vehicle other than a motorcycle or similar device shall be equipped with not less than two (2) approved headlamps mounted at the same level, with at least one (1) thereof on each side of the front of the vehicle. Motorcycles or similar conveyances shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle with a sidecar or other similar attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front thereof.

- (d) Any motor vehicle may be equipped with no more than one (1) spotlamp; but every lighted spotlamp shall be so aimed and used as not to be dazzling or glaring to any approaching vehicle or the operator thereof.
- (e) Every new passenger car, new commercial motor vehicle and omnibus with a capacity of more than six (6) passengers registered in the State of Missouri after January 1, 1966, when operated on a highway or street within the City, shall also carry at the rear at least two (2) approved red reflectors, at least one (1) at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall be mounted upon the vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches above the surface upon which the vehicle stands. Any person who knowingly operates a motor vehicle without the lamps required in this Section in operable condition is guilty of an infraction.
- (f) Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowllamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. 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 light visible from directly in front thereof.
- (g) At the times when lighted lamps are required, at least two (2) lighted lamps shall be displayed, one (1) on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with headlamps as required in this Chapter is also equipped with any auxiliary lamps or a spotlamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Section 13-140.1. Vision-Reducing Material Applied to Windshield or Windows Without Permit Prohibited; Exceptions. [Ord. No. 836 §1; Ord. No. 1555 §1, 9-4-2001]

- (a) Pursuant to Section 307.173, RSMo., except as provided for in Subsection (i) and (ii) of this Section, no person shall operate any motor vehicle registered in the State of Missouri on any public highway or street in the City of Eureka with any manufactured vision-reducing material applied to any portion of the motor vehicle's windshield, sidewings or windows located immediately to the left and right of the driver which reduces visibility from within or without the motor vehicle. This Section shall not prohibit labels, stickers, decalcomania, or informational signs on motor vehicles or the application of tinted or solar screening material to recreational vehicles provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of

the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

- (1) A permit to operate a motor vehicle with a front sidewing vent or window that has a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent (3%) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent (3%) may be issued by the Missouri Department of Public Safety to a person having a physical disorder requiring the use of such vision-reducing material. If, according to the permittee's physician, the physical disorder requires the use of a sun screening device which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection, the limits of this Subsection may be altered for that permittee in accordance with the physician's prescription. The Director of the Department of Public Safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by immediate family members who are husband, wife and sons or daughters who reside in the household.
 - (2) Any vehicle licensed with a historical license plate shall be exempt from the requirements of this Section.
- (b) For purposes of this Section, "*recreational vehicle*" shall mean a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, kitchen units or fixtures) and bath and toilet rooms.

Section 13-140.2. Dimming of Lights, When. [Ord. No. 846, §1]

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:

When 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, the 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.

For purposes of this section, multiple-beam road lighting equipment shall be defined as headlamps or similar devices arranged so as to permit the driver of the vehicle to use one or two or more distributions of light on the road.

Section 13-140.3. Altering Passenger Motor Vehicle by Raising Front or Rear of Vehicle Prohibited — Bumpers Front and Rear Required — Violations not to Pass Inspection — Penalty — Certain Vehicles Exempt. [Ord. No. 1856 §1, 9-6-2005]

- (a) No person shall operate any passenger motor vehicle upon the public streets or highways of the City of Eureka, the body of which has been altered in such a manner that the front or rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street or highway in front or to the rear of the vehicle.
- (b) Every motor vehicle which is licensed in the State of Missouri and operated upon the public streets or highways of the City of Eureka shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This Subsection shall not apply to motor vehicles designed or modified primarily for off-highway purposes while such vehicles are in tow or to motorcycles or motor-driven cycles or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers nor shall the provisions of this Subsection prohibit the use of drop bumpers. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure.
- (b) Maximum bumper heights are as follows:

	Maximum front bumper height/ Maximum rear bumper height
Motor vehicles except commercial motor vehicles:	22 inches/22 inches
Commercial motor vehicles (GVWR):	
4,500 lbs. and under:	24 inches/26 inches
4,501 lbs. through 7,500 lbs.:	27 inches/29 inches
7,501 lbs. through 9,000 lbs.:	28 inches/30 inches
9,001 lbs. through 11,500 lbs.:	29 inches/31 inches

- (c) A motor vehicle in violation of this Section shall not be approved during any motor vehicle safety inspection.

Section 13-141. Same — Horns; Mufflers; Sirens.

Every motor vehicle shall be equipped with a horn or other approved warning device 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 street and to pedestrians. Such signal and device shall be used for warning purposes only and shall not be used for making any unnecessary noise.

- (a) Emergency vehicles such as fire department, police, ambulances and other types of emergency vehicles when in use in emergencies only, may be equipped with and use, as a warning of its approach to vehicles and pedestrians a siren or bell.
- (b) All motor vehicles shall be equipped with approved mufflers so that, when in operation, excessive and unnecessary noises shall be restrained and exhaust noises from the motor of such vehicles shall be quieted. No "cutouts" shall be permitted on any motor powered vehicle.

Section 13-142. Tampering. [Ord. No. 315, §1; Ord. No. 414, §1; Ord. No. 569, §2]

A person commits the crime of tampering if he:

- (a) Tamper with property of another for the purpose of causing substantial inconvenience to that person or another;
- (b) Unlawfully operates or rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor propelled vehicle; or
- (c) Tamper or makes connection with property of a utility.

Section 13-143. Littering. [Ord. No. 315, §1; Ord. No. 414, §1; Ord. No. 570, §2.; Ord. No. 1701 §§1-2, 6-17-2003]

A person commits the crime of littering if he or she throws or places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, rubbish or yard waste (such as grass clippings, weeds, leaves, vines, hedge and shrub trimmings and tree limbs) of any kind, nature or description on the right-of-way of any public road or State highway, or on any private real property owned by another without his consent, or on or in any of the waters or on the banks of any stream.

Section 13-144. State Permit Required for Operation by Person Under Sixteen Years of Age. [Ord. No. 315, §1; Ord. No. 414, §1]

It shall be unlawful for any person under the age of sixteen years to drive or operate any motor powered vehicle upon the public streets and thoroughfares of the city unless such person has a permit issued by the state so to do.

Section 13-144.1. Unauthorized Operation and Parking of Motor Propelled Vehicles or Use of Animals on Private Property and Common Land. [Ord. No. 444 §§1-4; Ord. No. 1104 §§1-2, 6-21-1994; Ord. No. 2048 §2, 6-17-2008]

- (a) It shall be unlawful for any person to operate, park, or cause to be operated or parked any motor propelled vehicle including, but not limited to, automobiles, motorcycles or mini bikes or to ride, lead or drive or cause to be ridden, led or driven any beast of burden including, but not limited to, horses, ponies or mules on private property within the City without the written consent of the owner or person in control thereof.

- (b) It shall be unlawful for any person to operate, park, or cause to be operated or parked any motor propelled vehicle or to ride, lead, drive or cause to be ridden, led or driven any animal on the common land of any subdivision within the City or upon any parks owned by the City without the consent of the trustees of the common land or the City Administrator or, if there are no such trustees, without the consent of the owners or other person designated by the owner to be in control of such land.
- (c) It shall be unlawful to operate a motorcycle designed for use off of paved roads on private property within one hundred (100) feet of another's residential property.
- (d) The use of motor propelled vehicles or animals on designated roadways in the case of vehicles and bridle paths in the case of animals shall not be construed as violations of the foregoing subsections of this section.
- (e) The following procedure shall be followed upon apprehension of persons in violation of the foregoing provisions of this section.
- (e) Any person violating the provisions relating to the unauthorized operation or parking of motor propelled vehicles or use of animals, whether on-view or encountered in response to a complaint, should be stopped and interrogated. If the person does not own or legally reside on the concerned property, he or she should be requested to display written consent on the concerned property authorizing his or her personal use of the property for the operation or use of such motor propelled vehicle or animal. If the person cannot produce a valid consent, one of the following procedures shall be followed:
 - (1) *Juvenile.* A juvenile will be taken into custody for violation of the Missouri Juvenile Code by reason of violation of the appropriate foregoing provisions. A wrecker will be requested to convey the motor vehicle or animal to the closest contract garage facility for safekeeping, if it is not possible to release the motor vehicle or animal to the legal owner at the scene of the violation. The juvenile shall be conveyed to the police station for notification to the parents or legal guardian and subsequent release to their custody.
 - (2) *Adults.* The adult shall be placed under arrest for violation of the appropriate provision of this section. A wrecker shall be requested to convey the motor vehicle or animal to the closest facility for safekeeping, if it is not possible to release the motor vehicle or animal to the legal owner at the scene of the violation. The adult will then be conveyed to the police station for processing.

Section 13-144.2. Excessive Noise. [Ord. No. 450, §1.; Ord. No. 1969 §1, 4-3-2007]

- (a) The users and operators of vehicles within the city shall use and operate such vehicles in such a manner or condition that all excessive and unnecessary noises are avoided by its machinery, motor, signaling devices or other parts or by any improperly loaded cargo, including, but not limited, to the following measures:
 - (1) No muffler cutouts shall be used;

- (2) The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity and construction as to quiet the maximum possible exhaust noise;
 - (3) Any cutout or opening in the exhaust pipe, between the motor and 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.
- (b) No person shall slow a vehicle by the practice known as "engine braking" or "dynamic braking", whereby rapid downshifting of a vehicle's engine or a compression release device is used in lieu of applying a vehicle's wheel brakes resulting in noise being emitted from the vehicle. Engine/dynamic braking by any motor vehicle on any public highway, street, alley or parking lot within the City is hereby declared to be a public nuisance and is prohibited.

Section 13-144.3. Hand and Mechanical Signals. [Ord. No. 1082 §1, 1-18-1994]

No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein.

- (1) An operator or driver when stopping, or when checking the speed of his vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend his arm at an angle below horizontal so that the same may be seen in the rear of his vehicle.
- (2) An operator or driver intending to turn his vehicle to the right shall extend his arm at an angle above horizontal so that the same may be seen in front of and in 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.
- (3) An operator or driver intending to turn his vehicle to the left shall extend his arm in a horizontal position so that the same may be seen in 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.
- (4) The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to signal vehicles or combinations of

vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling said trailer; provided further that the provisions of this section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this state after the first (1st) day of January, 1954.

Section 13-145. Penalty for Violation of Article. [Ord. No. 315, §1; Ord. No. 414, §1]

Any person violating any of the provisions of this article shall upon conviction be punished by a fine of not less than one dollar nor more than five hundred dollars, or by imprisonment in the county jail for a term not exceeding ninety days, or by both such fine and imprisonment.

ARTICLE XIX
Derelict or Abandoned Vehicles

Section 13-146. Abandoned Motor Vehicles on Public Property, Removal — Hazards on Land and Water, Removal, Limited Liability, When — Towing of Property Report to Highway or Water Patrol when, Owner Liable for Costs — Check for Stolen Vehicles Procedure — Reclaiming Vehicle — Lien for Charges — Record Maintenance by Towing Companies — Lienholder Repossession, Procedure. [Ord. No. 1083 §§1-2, 1-18-1994; Ord. No. 1364 §1, 7-21-1998]

All portions of Sections 301 and 304, RSMo., applicable to local governments relating to abandoned motor vehicles on public property shall be applicable within the corporate limits of the City of Eureka.

Section 13-147. Vehicles Left Unattended on Private Property of Another, Procedure for Removal and Disposition — Violation of Certain Required Procedure, Penalty. [Ord. No. 1084 §§1-2, 1-18-1994; Ord. No. 1364 §2, 7-21-1998]

All portions of Sections 301 and 304, RSMo., applicable to local governments relating to vehicles left unattended on private property shall be applicable within the corporate limits of the City of Eureka.

ARTICLE XX
Miscellaneous Provisions Concerning Seat Belts and Passengers in Trucks

Section 13-148. Seat Belts and Child Restraint Devices. [Ord. No. 834 §1; Ord. No. 835 §1; Ord. No. 1125 §§1 — 3, 9-20-1994; Ord. No. 1324 §1, 11-18-1997; Ord. No. 2292 §1, 2-18-2014]

- (a) Except as otherwise provided in this Section, each driver and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this City shall wear a properly adjusted and fastened safety belt that meets Federal National Highway Transportation Act requirements, except that a child less than sixteen (16) years of age shall be protected as required in this Section.

(b) As used in this Section, the following terms shall apply:

CHILD BOOSTER SEAT — A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 CFR 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system.

CHILD PASSENGER RESTRAINT SYSTEM — A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 CFR 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

DRIVER — A person who is in actual physical control of a motor vehicle.

(c) Every driver transporting a child under the age of sixteen (16) years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this State, for providing for the protection of such child as follows:

- (1) Children less than four (4) years of age, regardless of weight, shall be secured in a child restraint system appropriate for that child;
- (2) Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child;
- (3) Children at least four (4) years of age but less than eight (8) years of age, who also weigh at least forty (40) pounds but less than eighty (80) pounds and who are also less than four (4) feet, nine (9) inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child;
- (4) Children at least eighty (80) pounds or children more than four (4) feet, nine (9) inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child;
- (5) A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation;
- (6) When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this Subsection is not in violation of this Section.

This Subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen (16) years of age being transported in a motor vehicle.

- (d) Any driver who violates Subsection (c)(1), (c)(2) or (c)(3) of this Section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty dollars (\$50.00) and court costs. Any driver who violates Subsection (c)(4) of this Section shall be subject to the penalty in Subsection (5) of Section 307.178, RSMo. If a driver receives a citation for violating Subsection (c)(1), (c)(2) or (c)(3) of this Section, the charges shall be dismissed or withdrawn if the driver prior to or at his or her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the driver's citation.
- (e) The provisions of this Section shall not apply to any public carrier for hire. The provisions of this Section shall not apply to students four (4) years of age or older who are passengers on a school bus designed for carrying eleven (11) passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in Section 301.010, RSMo.

Section 13-149. Passengers in Truck Beds. [Ord. No. 1324 §2, 11-18-1997]

- (a) No person shall operate any truck, as defined in Section 301.010, RSMo., with a licensed gross weight of less than twelve thousand (12,000) pounds when such truck is operated within the corporate limits of this City when any person under eighteen (18) years of age is riding in the unenclosed bed of such truck. No person under eighteen (18) years of age shall ride in the unenclosed bed of such truck when the truck is in operation. Any person who operates a truck with a licensed gross weight of less than twelve thousand (12,000) pounds in violation of this Section shall, upon conviction, be punished by a fine of not more than twenty-five dollars (\$25.00), plus court costs. The provisions of this Section shall not apply to:
 - (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, falling or 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. "*Special event*", for the purposes of this Section, 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 Subdivision the term "*family*" shall mean any persons related within the first degree of consanguinity.