

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 5200., 5210., 5280., 5281., 5284., 5285., 5500., Jackson County Code, 1984, relating to the traffic and petty offense code, and enacting, in lieu thereof, seven new sections relating to the same subject.

ORDINANCE #4111, June 22, 2009

INTRODUCED BY Denny Waits, County Legislator

WHEREAS, by Resolution 16914, a cooperative effort between the County and the city of Kansas City was authorized to provide additional law enforcement presence in the areas of Kansas City adjoining the unincorporated areas of Jackson County, in other areas of the city of Kansas City traveled by Sheriff's deputies while performing their official duties, and at sobriety checkpoints established by Kansas City; and,

WHEREAS, it is anticipated that intergovernmental agreements with other incorporated cities within Jackson County will be presented to the Legislature in an ongoing effort to provide additional law enforcement presence throughout Jackson County in its entirety; and,

WHEREAS, it is appropriate that the County's petty offense and traffic code be amended to provide better defined guidelines relating to enforcement of the County Code within this newly established jurisdiction; and,

WHEREAS, the amendment will provide more defined boundaries as to code enforcement

jurisdiction; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Sections 5200., 5210., 5280., 5281., 5284., 5285., 5500., Jackson County Code, 1984, are hereby repealed, and seven new sections enacted in lieu thereof, to be known as section 5200., 5210., 5280., 5281., 5284., 5285., 5500., to read as follows:

5200. Scope.

The provisions of this code shall apply to the entire Jackson County park system, [and to] the unincorporated part of Jackson County excluding all highways maintained by the Missouri State High Commission, and within the territorial limits of any city within Jackson County with which the county has entered into an intergovernmental agreement relating to enforcement of county ordinance violations .

5210. Definitions.

When used in this chapter, the following words and phrases shall have the following meanings. If any words and phrases are not defined by this chapter but are defined in the state laws regulating the operation of vehicles, the state law definition shall apply.

5210.1 Authorized Emergency Vehicles.

Authorized emergency vehicles shall include the following:

a. Ambulance.

Any vehicle operated as an ambulance;

b. State Highway Patrol.

Any vehicle operated by the state highway patrol;

c. Police.

Any vehicle operated by the police department;

d. Fire.

Any vehicle operated by the fire department;

e. Sheriff.

Any vehicle operated by the Sheriff or any Deputy Sheriff;

f. Tow Truck.

Any wrecker or tow truck; or

g. Emergency Service Vehicle.

Any vehicle owned and operated by a public utility or public service corporation while performing emergency service.

5210.2 Bicycle Lane.

Bicycle lane means that portion of an existing highway designated and marked by pavement markings or signing for the specific use of nonmotorized bicycles.

5210.3 Crosswalks.

Crosswalks means that portion of a highway ordinarily included within the prolongation or connection of curbs and property lines at intersections, or any pedestrian crossing indicated by signing lines or other markings on the surface.

5210.4 Curb Loading Zone.

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

5210.5 Highway.

Highway means the entire width between the boundary lines of every publicly maintained thoroughfare when any part of that thoroughfare is used by the public for vehicular travel, including public streets, avenues, boulevards, parkways, roads and alleys.

5210.6 One-Way Highway.

One-way highway means a highway where vehicles are by law required to move in one (1) designated direction only.

5210.7 Park or Parking a Vehicle.

Park or parking a vehicle means the standing of a vehicle, whether occupied or not, on a highway or parking lot other than for the temporary loading or unloading of materials or passengers, or in obedience to traffic regulations or traffic control devices.

5210.8 Pedestrian.

Pedestrian means any person afoot.

5210.9 Police Officer.

Police officer means every officer of the Sheriff's Patrol or any officer authorized by the Sheriff to direct or regulate traffic, or to make arrests for violations of traffic regulations.

5210.10 Right of Way.

Right of way means the privilege of immediate use of a highway.

5210.11 Roadway.

Roadway means that portion of a highway improved and designed for vehicular travel exclusive of berm or shoulder.

5210.12 Safety Zone.

Safety zone means the area or space officially set apart on a highway for the exclusive use of pedestrians and which is marked in a manner which is plainly

visible at all times.

5210.13 School Zone.

School zone means a space on any highway lawfully designated by ordinance for the safety of persons going to and returning from public, private or parochial schools.

5210.14 Signs.

Signs means a lettered or symbolized board of metal, plastic or other materials which is placed in a public place to give notice.

5210.15 Speed Limit.

Speed limit means the maximum speed as prescribed by ordinance, properly enacted by the governing body with jurisdiction, within a zone determined and indicated with numeral signs or markings designating those speeds. Travel in excess of those speeds is unlawful under this code.

5210.16 Stand or Standing a Vehicle.

Stand or standing a vehicle means the halting of a vehicle, whether occupied or not, other than for receiving or discharging passengers.

5210.17 Stop.

Stop means the complete cessation of movement.

5210.18 Through Highway.

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

5210.19 Traffic.

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

5210.20 Traffic Control Devices.

Traffic control devices means all signs, signals, markings, intersection lighting and devices consistent with this chapter, placed or erected by a public body or official having authority and jurisdiction for the purpose of regulating, warning or guiding traffic.

5210.21 Traffic Signs.

Traffic signs means all signs and markings placed or erected by authority of a public body or official having authority and jurisdiction for the purpose of regulating, warning or guiding traffic.

5210.22 Vehicle.

Vehicle means any mechanical device on wheels, in, or by which any person or property is, or can be, transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or trucks.

5280. Traffic Citation Forms.

The County shall provide books to include traffic citation forms.

5280.1 Purpose.

The books to include traffic citation forms shall be used for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances in [an associate circuit court] the County Municipal Court of Jackson County.

5280.2 Serially Numbered.

Books of traffic citation forms shall include serially numbered sets of citations in quadruplicate.

5280.3 Approval of Forms.

The traffic citation forms shall be prescribed and approved jointly by the [associate circuit court] County Municipal Court [judge] Administrator and the Sheriff.

5280.4 Issuance by County.

The County shall issue the traffic citation books to the Sheriff or duly authorized

agent of the Sheriff.

5280.5 Record of Issuance.

The County shall maintain a record of every book issued to the Sheriff.

5280.6 Issuance by Sheriff.

The Sheriff shall be responsible for the issuance of the traffic citation books to individual members of the Sheriff's Patrol.

5280.7 Written Receipt.

The Sheriff shall require a written receipt for every book issued and shall maintain a record of every book and each set of citations contained in those books.

5281. Procedure When Stopping a Person.

A police officer who halts a person for a county violation and does not take such person into custody under arrest shall proceed as follows.

5282.1 Information Taken From Person.

The police officer shall take the name, address, and driver's license number of the person stopped, the registered number of the motor vehicle involved and such other pertinent information as may be necessary.

5282.2 Notice To Person Stopped.

The police officer shall issue to the person who has been stopped in writing on a form provided by the county a traffic citation containing a notice to answer the charge against him in the [traffic] County Municipal Court of Jackson County at a time specified in the citation which is at least five (5) days after the alleged violation.

5282.3 When Procedure Not Apply.

The procedure set forth in Sections 5282.01 and 5282.02 shall not apply when the police officer is authorized or directed under state law to immediately take a person before an associate circuit court judge for violation of the traffic laws or when the police officer halts a person for the purpose of giving a warning or warning notice.

5284. Illegally Parked Vehicle.

An officer finding any motor vehicle without a driver parked, standing or stopped in violation of any of the restrictions imposed by county ordinance or by state law shall take the registration number of the vehicle and may take any other information displayed on the vehicle which may identify the user. A traffic citation shall be conspicuously affixed to the vehicle.

5284.1 Form of Citation.

The traffic citation shall be on a form provided by the county and shall specify the place and the hours during which the driver shall answer the charge within five (5) days.

5284.2 Failure to Respond to Citation.

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to the motor vehicle within a five (5) day period, the [Clerk of the Associate Circuit Court] County Municipal Court Administrator shall send to the owners of that motor vehicle to which the traffic citation was affixed a letter informing the owner of the violation and warning that in the event the letter is disregarded for a period of five (5) days a warrant of arrest will be issued.

5284.3 Presumption.

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of that law or regulation, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of that vehicle shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where and for the time during when the violation occurred.

5285. Arrest Warrant, When Issued.

In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to such citation or a summons directing an appearance in the [associate circuit court] County Municipal Court, the [clerk of the associate circuit court] County Municipal Court Administrator shall secure and issue

a warrant for his arrest.


5500. Scope.

The provisions of this chapter shall apply to the unincorporated area of Jackson County, [and] to all property belonging to the county wherever located in the county, and within the territorial limits of any city within Jackson County with which the county has entered into an intergovernmental agreement relating to enforcement of county ordinance violations.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Deputy County Counselor



County Counselor

I hereby certify that the attached Ordinance, Ordinance #4111 introduced on June 22, 2009, was duly passed on July 27, 2009 by the Jackson County Legislature. In the votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

This Ordinance is hereby transmitted to the County Executive for his signature.

7.28.09

Date



Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4111.

7/28/2009

Date



Michael D. Sanders, County Executive