City Council Information Form



DATE: 09/25/2014

ASSIGNED STAFF: Beth Murano

DEPARTMENT: Police Department

TYPE OF FORM: Ordinances Form No.: 4529

APPROVALS:

 pur:
 fin:
 dept:
 law:

 6175
 CLAMB
 dmezger
 tstiles

 09/17/2014
 09/16/2014
 09/16/2014
 09/16/2014

ISSUE/REQUEST:

AN ORDINANCE AMENDING ARTICLE III. MOTORCYCLES AND BICYCLES OF CHAPTER 29. TRAFFIC AND MOTOR VEHICLES OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT.

KEY ISSUES:

- The Police Department asked the Livable Streets Advisory Board to review ordinances related to bicycles in 2013. All of the bicycle related ordinances were found in Article III of Chapter 29 in the Code of Ordinances.
- The bicycle related ordinances were reviewed by the Livable Streets Advisory Board and several sections were found outdated with regard to current design, in conflict with other traffic laws, unclear, or lacking safeguards for bicycle travel.
- Proposed revisions to these ordinances were recommended by the Livable Streets Advisory Board and subsequently reviewed, amended as appropriate with change of intent and conclusively supported by the Police Department, Law Department and Public Safety Advisory Board.

PROPOSED CITY COUNCIL MOTION:

FIRST MOTION: I move for second reading. SECOND MOTION: I move for adoption.

BACKGROUND:(including location, programs/departments affected, and process issues)

The Livable Streets Advisory Board was tasked with reviewing the ordinances relating to the use of bicycles as a mode of transportation in the City. The existing ordinances pertaining to bicycles had not been reviewed or updated in several years. The proposed amendments to Chapter 29 are the recommendations of the Livable Streets Advisory Board after thorough review of best biking practices on our City's roads, safety concerns, and improvements in bicycle equipment.

The recommendations were reviewed by the Police Department, Law Department and Public Safety Advisory Board.

These changes include safety equipment requirements that reflect the availability of modern designs (e.g. lighting in lieu of reflectors). These changes also include operational requirements that are outdated or in conflict with other bicycle operating laws (e.g. two hands on the handlebars at all times, but arm signals are required for turning movements). Lastly, additional provisions are proposed for the protections of bicyclists and operational best

practices modeled after state law and other communities in Missouri (e.g. anti-harassment, red light violations, passing clearances).

		CT.			

TIMELINE Start: Finish:

OTHER INFORMATION/UNIQUE CHARACTERISTICS:

STAFF RECOMMMENDATION

Staff recommends adoption.

OTHER BOARDS AND COMMISSIONS ASSIGNED: Public Safety Advisory Board DATE: 09/16/2014
ACTION:

On motion of Board Member Pickard, second by Board Member Preisig, the Board voted to **APPROVE** the Ordinance Amending Article III. Motorcycles and Bicycles of Chapter 29. Traffic and Motor Vehicles of the Code of Ordinances of the City of Lee's Summit; and for it to be Submitted to the Public Works Committee for review. None opposed.

COUNCIL COMMITTEE ASSIGNED: Public Works Committee DATE: 09/23/2014
ACTION:

Committee voted unanimously (4-0) to recommend to City Council approval of AN ORDINANCE AMENDING ARTICLE III. MOTORCYCLES AND BICYCLES OF CHAPTER 29. TRAFFIC AND MOTOR VEHICLES OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT.

List of Reference Documents Attached

- 1. Ordinance
- 2. Ordinance Mark up version

AN ORDINANCE AMENDING ARTICLE III. MOTORCYCLES AND BICYCLES OF CHAPTER 29. TRAFFIC AND MOTOR VEHICLES OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT.

WHEREAS, One of the goals of the Transportation Key Performance Area included a "Complete Streets" system that would allow safe access along and across Lee's Summit streets for all citizens, including motorists, bicyclists, pedestrians, and transit riders; and,

WHEREAS, in January, 2010, the Mayor and City Council amended Chapter 26. Streets, Sidewalks and Other Public Places, of the Code of Ordinances by adding Section 26-56. Livable Streets Advisory Board; and,

WHEREAS, The Council also adopted Resolution 10-17 establishing a livable streets policy; and,

WHEREAS, the role of the Livable Streets Advisory Board includes, in part, advising the City Council on methods and procedures to accomplish the guiding principles of livable streets described by Resolution 10-17; to review and evaluate the application and implementation of the livable streets policy; and to promote the livable streets concept throughout the community and greater metropolitan area; and,

WHEREAS, Article III. Chapter 29. of the City's Code of Ordinances deals with rules and restrictions relating to the use of bicycles as a mode of transportation in the City; and,

WHEREAS, the City Council, upon advice of the Livable Streets Advisory Board, wishes to amend Article III. Chapter 29. of the City's Code of Ordinances to better regulate and promote the use of bicycles as a mode of transportation within the City of Lee's Summit.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Article III. Motorcycles and bicycles, of Chapter 29. Traffic and motor vehicles, of the Code of Ordinances of the City of Lee's Summit, Missouri is hereby amended to read as follows:

Sec. 29-511. - License for motorcycles required.

It shall be unlawful for any person, except those expressly exempted by RSMo 302.080, to:

- A. Operate a motorcycle upon any street of the City unless such person has a valid operator's or chauffeur's license which shows that the person has successfully passed an examination for the operation of a motorcycle as prescribed by the State Director of Revenue;
- B. Authorize or knowingly permit a motorcycle, owned by him or under his control, to be driven upon any highway or street by any person whose 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 therefor.

Sec. 29-512. - Applicability of traffic laws to persons riding bicycles.

Every person riding a bicycle upon any roadway in this City shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State declaring the rules of the road applicable to vehicles or by the provisions of this chapter applicable to the drivers of vehicles, except as to special regulations in this article and except as to those provisions of State law and this chapter which, by their nature, can have no application.

Sec. 29-513. - Equipment required on motorcycles.

No person shall operate a motorcycle on any roadway in the City unless it is equipped in accordance with the minimum vehicle equipment standards set forth in RSMo ch. 307.

Sec. 29-514. - Protective headgear for motorcyclists.

- A. Every person operating or riding as a passenger on any motorcycle upon any highway of this State or street of the City shall wear protective headgear at all times the vehicle is in motion.
- B. The protective headgear mentioned in this section shall meet reasonable standards and specifications established by the State Director of Revenue.

Sec. 29-515. - Brakes for bicycles.

Every bicycle shall be equipped with brakes which will enable its driver to stop the bicycle or include by design the ability for a driver to stop the bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

Sec. 29-516. - Lights and reflectors on bicycles.

Every bicycle when in use on any roadway in this City during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with the following:

- A. A front-facing lamp, including generator powered 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;
- B. A rear-facing red reflector or red operative lamp, at least two (2) square inches in reflective or lighted surface area, on the rear or carried by the rider 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;

C. A side facing colorless or amber reflector or front and back operative lamps in accordance with Sec. 29-517 subsections A and B which are viewable from either side of the bicycle and are located either on the bicycle or rider. All such devices 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.

Sec. 29-517. - Riding on motorcycles, motorized bicycles, other motorized devices generally.

- A. 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 (2) persons, or upon another seat firmly attached to the rear or side of the operator.
- B. No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars.
- C. No person shall ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator thereof.
- D. Motorized bicycles and their operation shall comply with the following:
 - 1. All motorized bicycles shall have passed the State of Missouri Motorcycle Inspection, as required by the State of Missouri for motorcycles.
 - 2. Every motorized bicycle shall be covered by the minimum liability insurance as required by the State of Missouri for motorcycles.
 - 3. All motorized bicycle operators shall have a valid motorcycle endorsement from the state which issued their current driver's license.
 - 4. No person shall ride in or on any motorized bicycle without wearing a protective helmet.

- E. No person shall ride in or on any motorized bicycle on any street or highway with a designated speed limit greater than forty-five (45) mph, or on any sidewalk or any other public property.
- F. No person shall ride in or on any other motorized devices on any street, highway, sidewalk or on any other public property.
- G. No person shall ride in or on any motorized bicycle or motorized devices on any trail designated for pedestrian and bicycle use only.
- H. No person shall operate a motorized bicycle or other motorized devices on the private property of another without the express permission to do so by the owner or occupant of such property.

Sec. 29-518. - Riding bicycles generally.

- A. Every bicycle shall be operated with reasonable regard for the safety of the operator and other persons upon the streets and highways of the City.
- B. No person shall ride a bicycle on any street without having at least one hand on the bicycle at all times when the bicycle is in motion.

Sec. 29-519. - Riding bicycles on roadways.

Every person operating a bicycle or motorized bicycle upon a street or highway may ride in the center of the right lane of travel or may ride to the right side of the roadway; such person may use the left lane of travel to prepare for making a left turn, or when on a one-way street. Every person operating a bicycle or motorized bicycle on a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, when making turns, and when streets or lanes are too narrow to share with motor vehicles. Bicyclists may ride abreast in the lane of travel.

Sec. 29-520. - Riding bicycles on sidewalks.

A. No person shall ride a bicycle upon a sidewalk within the downtown area of the central business district as defined by Article 12 of the Unified Development Ordinance.

BILL NO. 14-125

B. Whenever any person is riding a bicycle upon a sidewalk, they shall yield the rightof-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.

Sec. 29-521. - Electric powered assistive mobility devices, requirements for operation.

- A. An electric powered assistive mobility device may be operated upon a street, highway, sidewalk, and bicycle path. Every person operating such a device shall be granted all of the rights and be subject to all of the duties applicable to a pedestrian pursuant to Chapter 304, RSMo.
- B. Persons under sixteen (16) years of age shall not operate an electric powered assistive mobility device, except for an operator with a mobility-related disability.
- C. An electric powered assistive mobility device shall be operated only on roadways with a speed limit of thirty-five (35) miles per hour or less. This shall not prohibit the use of such device when crossing roadways with speed limits in excess of thirty-five (35) miles per hour.

Sec. 29-522. – Anti-Harassment of Pedestrians and Bicyclists

Banning the harassment of pedestrians and bicyclists. No person shall:

- A. Knowingly frighten, disturb, or injure a person by throwing or dropping any substance or object at or in the direction of a vehicle or any occupant thereof, a bicycle or any rider or passenger thereof, or a pedestrian; or
- B. Threaten any pedestrian, person operating a bicycle, or a passenger on a bicycle for the purpose of frightening, disturbing, or injuring that person; or
- C. Sound a horn, shout, or otherwise direct sound toward any pedestrian, person operating a bicycle, or a passenger on a bicycle for the purpose of frightening or injuring that person; or
- D. Knowingly place any pedestrian, person operating a bicycle, or a passenger on a bicycle in apprehension of immediate physical injury; or
- E. Knowingly engage in conduct that creates a risk of death or serious physical injury to any pedestrian, person operating a bicycle, or a passenger on a bicycle.

Sec. 29-523. – Overtake Bicycles at a Safe Distance

BILL NO. 14-125

The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway or on the shoulder of the roadway, shall leave a safe distance, but in no case less than 4 feet clearance, when passing the bicycle, and shall maintain clearance until safely past the overtaken bicycle.

Sec. 29-524. – Red Light Violations

Any person operating a motorcycle or bicycle who violates the provisions of section 29-321 by entering or crossing an intersection controlled by a traffic control signal against a red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:

- A. The motorcycle or bicycle has been brought to a complete stop;
- B. The traffic control signal continues to show a red light for an unreasonable time;
- C. The traffic control is apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the motorcycle or bicycle; and
- D. No motor vehicle or person is approaching on the street or highway to be crossed or entered or is so far away from the intersection that it does not constitute an immediate hazard.

The affirmative defense of this section applies only to a violation for entering or crossing an intersection controlled by a traffic control signal against a red light and does not provide a defense to any other civil or criminal action.

Sec. 29-525—29-570. - Reserved.

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. That should any section, sentence or clause of this ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 4. That it is the intention of the City Council, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Lee's Summit, Missouri.

SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

BILL NO. 14-125

PASSED by the City Council of the City of, 2014.	Lee's Summit, Missouri, this	day of
ATTEST:	Mayor Randall L. Rhoads	
City Clerk Denise R. Chisum		
APPROVED by the Mayor of said City this	day of	, 2014.
ATTEST:	Mayor Randall L. Rhoads	
City Clerk Denise R. Chisum		
APPROVED AS TO FORM:		
Assistant City Attorney II <i>Trevor L. Stiles</i>		

ARTICLE III. CHAPTER 29. - CODE MARK-UP

Sec. 29-511. - License for motorcycles required.

It shall be unlawful for any person, except those expressly exempted by RSMo 302.080, to:

A.

Operate a motorcycle upon any street of the City unless such person has a valid operator's or chauffeur's license which shows that the person has successfully passed an examination for the operation of a motorcycle as prescribed by the State Director of Revenue:

B.

Authorize or knowingly permit a motorcycle, owned by him or under his control, to be driven upon any highway or street by any person whose 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 therefor.

Sec. 29-512. - Applicability of traffic laws to persons riding bicycles.

Every person riding a bicycle upon any roadway in this City shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State declaring the rules of the road applicable to vehicles or by the provisions of this chapter applicable to the drivers of vehicles, except as to special regulations in this article and except as to those provisions of State law and this chapter which, by their nature, can have no application.

Sec. 29-513. - Reserved.

Sec. 29-5134. - Equipment required on motorcycles.

No person shall operate a motorcycle on any roadway in the City unless it is equipped in accordance with the minimum vehicle equipment standards set forth in RSMo ch. 307.

Sec. 29-51<u>4</u>5. - Protective headgear for motorcyclists.

Α.

Every person operating or riding as a passenger on any motorcycle upon any highway of this State or street of the City shall wear protective headgear at all times the vehicle is in motion.

B.

The protective headgear mentioned in this section shall meet reasonable standards and specifications established by the State Director of Revenue.

Sec. 29-5156. - Brakes for bicycles.

Every bicycle shall be equipped with brakes which will enable its driver to stop the bicycle or include by design the ability for a driver to stop the bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

Sec. 29-5167. - Lights and reflectors on bicycles.

Every bicycle when in use on any roadway in this City during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with the following:

A.

A front-facing lamp, including generator powered 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;

B.

A rear-facing red reflector <u>or red operative lamp</u>, at least two (2) square inches in reflective <u>or lighted</u> surface area, on the rear <u>or carried by the rider</u> 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;

C.

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;

D.C.

A side facing colorless or amber reflector or front and back operative lamps in accordance with Sec. 29-517 subsections A and B which are viewable from either side of the bicycle and are located either on the bicycle or rider. A side facing essentially colorless or amber o 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 devices 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.

Sec. 29-51<u>7</u>8. - Riding on motorcycles, motorized bicycles, other motorized devices generally.

Α.

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 (2) persons, or upon another seat firmly attached to the rear or side of the operator.

В.

No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars.

C.

No person shall ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator thereof.

D. Materized bioveles and their on

Motorized bicycles and their operation shall comply with the following:

1.

All motorized bicycles shall have passed the State of Missouri Motorcycle Inspection, as required by the State of Missouri for motorcycles.

2.

Every motorized bicycle shall be covered by the minimum liability insurance as required by the State of Missouri for motorcycles.

3.

All motorized bicycle operators shall have a valid motorcycle endorsement from the state which issued their current driver's license.

4.

No person shall ride in or on any motorized bicycle without wearing a protective helmet.

E.

No person shall ride in or on any motorized bicycle on any street or highway with a designated speed limit greater than forty-five (45) mph, or on any sidewalk or any other public property.

F.

No person shall ride in or on any other motorized devices on any street, highway, sidewalk or on any other public property.

G.

No person shall ride in or on any motorized bicycle or motorized devices on any trail designated for pedestrian and bicycle use only.

Н.

No person shall operate a motorized bicycle or other motorized devices on the private property of another without the express permission to do so by the owner or occupant of such property.

Sec. 29-5189. - Riding bicycles generally.

A.

Every bicycle shall be operated with reasonable regard for the safety of the operator and other persons upon the streets and highways of the City.

В.

RECOMMEND CHANGE: No person shall ride a bicycle on any street without having <u>at least one hand on the bicycle at all times when the bicycle is in motion.</u> his hands upon the handlebars of such bicycle.

City 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. Every person operating a bicycle or motorized bicycle upon a street or highway may ride in the center of the right lane of travel or may ride to the right side of the roadway; such person may use the left lane of travel to prepare for making a left turn, or when on a one-way street. Every person operating a bicycle or motorized bicycle on a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, when making turns, and when streets or lanes are too narrow to share with motor vehicles. Bicyclists may ride abreast in the lane of travel.

Sec. 29-5204. - Riding bicycles on sidewalks.

Α.

No person shall ride a bicycle upon a sidewalk within <u>the downtown area</u> of the central business district as defined by Article 12 of the Unified <u>Development Ordinance</u>.

B.

Whenever any person is riding a bicycle upon a sidewalk, they shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.

Sec. 29-5212. - Electric powered assistive mobility devices, requirements for operation.

A.

An electric powered assistive mobility device may be operated upon a street, highway, sidewalk, and bicycle path. Every person operating such a device shall be granted all of the rights and be subject to all of the duties applicable to a pedestrian pursuant to Chapter 304, RSMo.

В.

Persons under sixteen (16) years of age shall not operate an electric powered assistive mobility device, except for an operator with a mobility-related disability.

C.

An electric powered assistive mobility device shall be operated only on roadways with a speed limit of thirty-five (35) miles per hour or less. This shall not prohibit the use of such device when crossing roadways with speed limits in excess of thirty-five (35) miles per hour.

Sec. 29-522 – Anti-Harassment of Pedestrians and Bicyclists

Banning the harassment of pedestrians and bicyclists. No person shall:

- A. Knowingly frighten, disturb, or injure a person by throwing or dropping any substance or object at or in the direction of a vehicle or any occupant thereof, a bicycle or any rider or passenger thereof, or a pedestrian; or
- B. <u>Threaten any pedestrian, person operating a bicycle, or a passenger on a bicycle for the purpose of frightening, disturbing, or injuring that person; or a passenger on a bicycle for the purpose of frightening, disturbing, or injuring that person; or</u>
- C. Sound a horn, shout, or otherwise direct sound toward any pedestrian, person operating a bicycle, or a passenger on a bicycle for the purpose of frightening or injuring that person; or
- D. <u>Knowingly place any pedestrian, person operating a bicycle, or a passenger</u> on a bicycle in apprehension of immediate physical injury; or
- E. Knowingly engage in conduct that creates a risk of death or serious physical injury to any pedestrian, person operating a bicycle, or a passenger on a bicycle.

Sec. 29-523 – Overtake Bicycles at a Safe Distance

The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway or on the shoulder of the roadway, shall leave a safe distance, but in no case less than 4 feet clearance, when passing the bicycle, and shall maintain clearance until safely past the overtaken bicycle.

Sec. 29-524 - Red Light Violations

Any person operating a motorcycle or bicycle who violates the provisions of section 29-321 by entering or crossing an intersection controlled by a traffic control signal against a red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:

- A. The motorcycle or bicycle has been brought to a complete stop;
- B. The traffic control signal continues to show a red light for an unreasonable time;
- C. The traffic control is apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the motorcycle or bicycle; and
- D. No motor vehicle or person is approaching on the street or highway to be crossed or entered or is so far away from the intersection that it does not constitute an immediate hazard.

The affirmative defense of this section applies only to a violation for entering or crossing an intersection controlled by a traffic control signal against a red light and does not provide a defense to any other civil or criminal action.

State Law Reference – Similar Provisions, RSMo 304.285

Sec. 29-523525—29-570. - Reserved.