

Bill No. _____

Ordinance No. _____

Requested by: Joe Brazil

Sponsored by: Joe Brazil

AN ORDINANCE ESTABLISHING A BICYCLE
ROUTE MAPPING AND EDUCATIONAL PROGRAM,
AND REGULATIONS CONCERNING BICYCLE
SAFETY ON CERTAIN ROUTES

WHEREAS, the St. Charles County Council is concerned about bicycle and motoring traffic on roads in the county, wherever, and for so long as, the roads lack bicycle lanes, in that such roadways carry ever increasing volumes of traffic, including significant truck traffic; and

WHEREAS, pursuant to Section 304.130, RSMo., “For the purpose of promoting the public safety, health and general welfare and to protect life and property...” the St. Charles County governing body is “empowered to adopt, by order or ordinance, regulations to control vehicular traffic upon the public roads and highways in the unincorporated territory of such counties and to establish reasonable speed regulations in congested areas upon such public roads and highways in the unincorporated territory of such counties.”; and

WHEREAS, pursuant to the Charter of St. Charles County, Article II, §2.529 the Council is empowered to “(e)xercise legislative power pertaining to public health and welfare, Police and traffic, building construction, and planning and zoning, in the part of the County outside incorporated Cities, Towns, and Villages, and on such other subjects as

may be authorized by the Constitution or by applicable law; and

WHEREAS, the County Council held three (3) public hearings on this ordinance on the following dates: September 1, 2010 (7 pm at the Community Club of New Melle), September 13, 2010 (7 p.m. County Council Meeting) and September __, 2010(____ Council District 6 ____).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The County of St. Charles hereby establishes the bicycle education and map program within the County Highway Department to apprise cyclists of certain characteristics of highways and roads in the unincorporated portion of St. Charles County. The designations and educational materials resulting from this ordinance are in no manner a recommendation that cyclists should ride these highways and roads nor are they intended to assure any cyclist of safety in riding the highways and roads.

Section 2. Definitions.

GREEN roads Highways and roads where the speed limits are under 50 miles an hour and heavy commercial weekday traffic, or farm implement traffic, is not expected to be present on a regular basis. Green roads may still have limited site distance, may lack shoulders or have intermittent or gravel shoulders.

ORANGE roads Highways and roads where the speed limits are 50 miles and hour or more. Orange Roads are expected to have heavy commercial traffic and or regular farm implement traffic. Site distance will be generally better than highways or roads designated as Red but may have intermittent or seasonal (e.g., crops) site distance problems.

RED Roads Highways and roads where the speed limits are 50 miles an hour or more. Red roads chronically have limited site distance (hills, crops). Red roads will not have shoulders, or if there are shoulders they are gravel. Cyclists should expect that Red roads will have heavy commercial weekday traffic and/or agricultural implement traffic.

Section 3. The Highway Department shall develop and post signage, and print and distribute maps, to reflect the above bicycle route information. The County Engineer shall notify the Sheriff that such signs have been posted.

Section 4. Cyclists on roads designated "Green" may, and cyclists on roads designated "Red" or "Orange" shall:

1. Ride single file on such roads, unless it is unsafe to do so.
2. Upon Red and Orange roadways, any cyclist

proceeding at less than the normal speed of traffic, at the time and place and under the conditions then existing, shall be driven in the righthand lane then available for traffic, and within 20 inches of the right-hand lane stripe, curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into an alley, private road or driveway. This subsection does not apply to a cyclist who must necessarily drive in a lane other than the right-hand lane to continue on his intended route.

2. Be equipped with a mirror that allows them a view of the road behind them;

— 3. Equip their bicycle with a flag at least 36 inches in height and displaying a __ (color) __ flag at least six (6) inches long by three (3) inches in width.

Section 5. Cyclists shall obey all traffic regulations unless otherwise set out in this ordinance or unless cycling in a permitted event as set forth in County ordinance. Failure to obey traffic laws shall be punishable in the same manner as failures of motor vehicles.

Section 6. The Sheriff shall not cite violations of the requirements of Section 4 for 30 days after the signs designating red and orange roads have been erected, but instead shall issue warning notices to all cyclists found, upon the roads designated red or orange, not riding in conformance with the safety requirements of Section 4.

Section 7. Penalties. A violation of any provision of Sections 4 and 5 above of this ordinance is a misdemeanor punishable by a fine of not more than one thousand dollars.

- Section 8. Enforcement and Prosecution. Enforcement of this ordinance shall be the responsibility of the Sheriff's Department and prosecution may be by the Prosecuting Attorney or the County Counselor.
- Section 9. Publication of Ordinance. Following passage and approval, this ordinance shall be published at least once in a legal publication or in a newspaper of general circulation in St. Charles County and posted in six (6) public places within St. Charles County.
- Section 10. Responsibility for Publication. The County Registrar shall be responsible for publishing this ordinance in accordance with Section 7 of this ordinance. Payment to any publication or newspaper publishing this ordinance shall be from the appropriate line item.
- Section 11. Effective Date. This ordinance shall be in full force and effect upon passage and approval, however any penalty provisions shall be effective on the thirty-first (31st) day after publication of this ordinance.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR

DRAFT