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P. Hrngs. \_\_\_\_\_  
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Sponsored by: Hosmer, Fisk,  
Prater, and Schilling

First Reading: \_\_\_\_\_ Second Reading: \_\_\_\_\_

COUNCIL BILL 2018-119 GENERAL ORDINANCE \_\_\_\_\_

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 106, 'Traffic and Vehicles,' provisions  
2 by amending language in Section 106-1, 'Definitions' and Section 106-  
3 203, 'Careless and imprudent driving'; and adding a new section 106-211,  
4 'Careless and distracted operation' to address distracted driving and  
5 improve traffic safety in the City. (Plans and Policies Committee  
6 recommends approval.)  
7  
8

9 WHEREAS, Chapter 106, 'Traffic and Vehicles', Article V, 'Operation', Division 1,  
10 'Generally', of the City Code concerns the safe operation of motor vehicles and  
11 prohibited conduct; and  
12

13 WHEREAS, there are 687 motor vehicle accidents in Springfield per year that are  
14 attributed to distracted driving; and  
15

16 WHEREAS, nationally there are 3,358 deaths and 414,333 individuals injured on  
17 average yearly due to distracted driving; and  
18

19 WHEREAS, in addition to unnecessary death, injuries and property damage,  
20 distracted driving is the primary cause for increasing insurance premiums on motor  
21 vehicles; and  
22

23 WHEREAS, the operation of motor vehicle ordinances need to be supplemented  
24 to more fully address safety concerns related to distracted driving; and  
25

26 WHEREAS, City Code Section 106-1 should be revised to more closely follow  
27 state definitions.  
28

29 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
30 SPRINGFIELD, MISSOURI, as follows, that:  
31

32 NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.  
33

34 Section 1 – Springfield City Code, Chapter 106, ‘Traffic and Vehicles,’ Article V,  
35 ‘Operation,’ Division 1, ‘Generally,’ Section 106-1, ‘Definitions,’ is hereby amended as  
36 follows:

37  
38 Sec. 106-1. - Definitions.  
39

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

43  
44 *Alley* means a public way which extends only secondary means of access to  
45 abutting property, without address or frontage.

46  
47 *Crosswalk* includes

- 48 (1) That part of a roadway at any intersection included within the lateral lines  
49 of a roadway and property lines.  
50 (2) Any portion of a roadway at an intersection or elsewhere distinctly  
51 indicated for pedestrian crossing by lines or other markings on the  
52 surface.  
53

54 *Curb loading zone*: A space adjacent to a curb reserved for the exclusive use of  
55 vehicles during the loading or unloading of passengers or materials.  
56

57 *Emergency vehicle* means a vehicle publicly owned as an ambulance, or vehicle  
58 public owned and operated by the state highway patrol, police department or fire  
59 department, sheriff or deputy sheriff, traffic officer or coroner, or Springfield-Greene  
60 County Office of Emergency Management, or any privately owned vehicle operated as  
61 an ambulance responding to an emergency call; or any privately owned wrecker or  
62 tow truck; or a vehicle owned and operated by a public utility or public service  
63 corporation while performing emergency service.  
64

65 *Handicapped parking control officer (HPCO)* means a citizen volunteer  
66 recommended by the chief of police and appointed by the city manager to perform  
67 limited enforcement duties of the handicapped parking ordinances and building  
68 regulations pertinent to handicapped parking.  
69

70 *Intersection*: Such terms shall include

- 71 (1) the area embraced within the prolongation or connection of the lateral  
72 curblines, or, if none, then the lateral boundary lines of the roadways of  
73 the two (2) highways which join one another at or approximately at right  
74 angles, or the area within which vehicles traveling upon different  
75 highways, joining at any other angle may come in conflict;  
76 (2) where a highway includes two (2) roadways thirty (30) feet or more  
77 apart, then every crossing of each roadway of such divided highway by  
78 an intersecting highway shall be regarded as a separate intersection. In  
79 the event such intersecting highway also includes two (2) roadways

80 thirty (30) or more feet apart, then every crossing of two (2) roadways of  
81 such highways shall be regarded as a separate intersection.

82  
83 *Jefferson Avenue Footbridge Plaza* means all of the right-of-way of Jefferson  
84 Avenue lying north of Commercial Street, south of the Burlington-Northern Railroad  
85 Right-of-way and east of Public Parking Lot No. 11 as currently constructed.

86  
87 *Motorized play vehicle* includes mini-motorcycles, pocket bikes, and any other  
88 vehicle that is capable of transporting a person or persons at a speed in excess of five  
89 (5) miles per hour; that is self propelled by a motor or engine and that is not otherwise  
90 defined by Missouri Statutes or the Springfield City Code as a motor vehicle,  
91 motorcycle, or motorized bicycle, fails to meet Federal Motor Vehicle Safety Standards  
92 and cannot be registered to be operated on public streets.

93  
94 *Motorized skateboard* means any vehicle not having a seat or saddle for the use  
95 of the rider, designed to travel on not more than three wheels, and not capable of  
96 propelling the vehicle at a speed greater than 30 miles per hour on level ground.

97  
98 *Parking* means the standing of a vehicle, whether occupied or not, otherwise than  
99 temporarily for the purpose of and while actually engaged in loading or unloading.

100  
101 *Parkway* means that portion of the roadway between the curblines and the property  
102 line.

103  
104 *Right-of-way* means:

- 105 (1) When used in relationship to vehicles, the privilege of the immediate  
106 use of the roadway.  
107 (2) When used in relationship to land, that portion of land owned by the city  
108 comprised of roadway and parkway.

109  
110 *Roadway*: That portion of a street or highway improved, designed, or ordinarily  
111 used for vehicular travel, exclusive of the shoulder. In the event a highway includes  
112 two (2) or more separate roadways, the term "roadway," as used herein, shall refer to  
113 any such roadway separately, but not to all such roadways collectively.

114  
115 *Safety zone*: The area or space officially set apart within a roadway for the  
116 exclusive use of pedestrians and which is protected or is so marked and indicated by  
117 adequate signs as to be plainly visible at all times while set apart as a safety zone.

118  
119 *School zone* means that territory contiguous to and including a street or highway  
120 for a distance of two hundred (200) feet in either direction from school property.

121  
122 *Shoulder* means that portion of an unimproved roadway between the edge of the  
123 roadway and the property line.

125 *Sidewalk* means that paved portion of the shoulder or parkway intended for the  
126 use of pedestrians.

127  
128 *Stop*: Complete cessation of movement.

129  
130 *Stopping or standing*: When prohibited, such terms mean any stopping or  
131 standing of a vehicle, whether occupied or not, except when necessary to avoid  
132 conflict with other traffic or in compliance with the directions of a police officer or  
133 traffic-control sign or signal.

134  
135 *Street or highway*: The entire width between the boundary lines of every way  
136 publicly maintained when any part thereof is opened to the use of the public for  
137 purpose of vehicular traffic, or any private street described in section 106-3.

138  
139 *Traffic control devices* means all signs, signals, markings and devices, not  
140 inconsistent with this chapter, placed or erected by authority of a public body or official  
141 having jurisdiction, for the purpose of regulating, warning or guiding traffic.

142  
143 *Traffic-control signal*: Any device, whether manually, electrically or mechanically  
144 operated by which traffic is alternately directed to stop and to proceed.

145  
146 *Vehicle* means every device in, upon, or by which any person or property is or  
147 may be transported or drawn upon a roadway, ~~which requires a valid operator's~~  
148 ~~license and which has a Manufacturer's Certificate of Origin (MSO), except devices~~  
149 ~~moved by human power, or devices used exclusively upon stationary rails or tracks,~~  
150 ~~or any motorized play vehicle or motorized skateboard.~~

151  
152 *Vehicle, commercial*: Every vehicle designed, maintained, or used primarily for the  
153 transportation of property.

154  
155 *Vehicle, motor*: Every vehicle which is self-propelled.

156  
157 Section 2 – Springfield City Code, Chapter 106, 'Traffic and Vehicles,' Article V,  
158 'Operation,' Division 1, 'Generally,' Section 106-203, 'Careless and imprudent driving,' is  
159 hereby amended as follows:

160  
161 Sec. 106-203. – Careless and imprudent driving.

- 162 (a) Every person operating a motor vehicle upon the public streets and  
163 highways within the city or upon any public or private parking lot, or parking  
164 lot for the use of customers, business invitees or employees of commercial  
165 or industrial establishments, shall not fail to operate the motor vehicle in a  
166 careful and prudent manner, or exercise ~~exercising~~ the highest degree of  
167 care, ~~and shall operate~~ or fail to operate the motor vehicle at a rate of speed  
168 so as not to endanger the property of another or the life or limb of any  
169 person.

171 Section 3 – Springfield City Code, Chapter 106, ‘Traffic and Vehicles,’ Article V,  
172 ‘Operation,’ Division 1, ‘Generally,’ is hereby amended by adding a new section, 106-  
173 211, ‘Careless and distracted operation,’ which reads as follows:  
174

175 Sec. 106-211 – Careless and distracted operation.

176 (a) Every person operating a motor vehicle upon the public streets and  
177 highways within the city shall operate the motor vehicle exercising the  
178 highest degree of care and shall not engage in careless and distracted  
179 operation of a motor vehicle.

180  
181 (b) It shall be prima facie evidence that a motor vehicle operator is not exercising  
182 the highest degree of care and is engaged in careless and distracted  
183 operation of a motor vehicle if the operator of a moving motor vehicle or motor  
184 vehicle that should be lawfully proceeding engages in any conduct that  
185 causes his or her vision or attention to be obscured, diminished or directed  
186 away from the path of travel or operation of the motor vehicle, including, but  
187 not limited to: by using a mirror to engage in grooming; reading anything  
188 located in the motor vehicle other than operation information displayed on a  
189 motor vehicle’s gauges and equipment; writing; drawing; or turning one’s  
190 head substantially away from the path of travel to observe things in the motor  
191 vehicle or outside the motor vehicle but contrary to the path of travel.

192  
193 (c) Section (b) shall not be construed to prohibit the reasonable use of an  
194 electronic device being used solely for navigation purposes.

195  
196 Section 4 – Savings Clause. Nothing in this Ordinance shall be construed to affect  
197 any suit or proceeding now pending in any court or any rights acquired or liability incurred  
198 nor any cause or causes of action occurred or existing, under any act or ordinance repealed  
199 hereby.  
200

201 Section 5 – Severability Clause. If any section, subsection, sentence, clause, or  
202 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect  
203 the validity of the remaining portions of this Ordinance. The Council hereby declares that it  
204 would have adopted the Ordinance and each section, subsection, sentence, clause or  
205 phrase thereof, irrespective of the fact that any one or more sections, subsections,  
206 sentences, clauses, or phrases be declared invalid.  
207

208 Section 6 – This Ordinance shall be in full force and effect from and after  
209 passage.  
210

211 Passed at meeting: \_\_\_\_\_  
212

213 \_\_\_\_\_  
214 Mayor

215 Attest: \_\_\_\_\_, City Clerk  
216

217

218

219 Filed as Ordinance: \_\_\_\_\_

220

221

222 Approved as to form: Rhonda Lewaden, Assistant City Attorney

223

224

225 Approved for Council action: [Signature], City Manager

**EXPLANATION TO COUNCIL BILL 2018-119**

FILED: 05-01-18

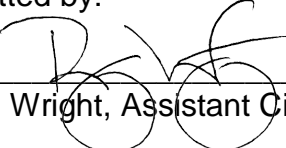
ORIGINATING DEPARTMENT: Law Department

PURPOSE: To amend the Springfield City Code, Chapter 106, 'Traffic and Vehicles,' provisions by amending language in Section 106-1, 'Definitions' and Section 106-203, 'Careless and imprudent driving'; and adding a new section 106-211, 'Careless and distracted operation' to address distracted driving and improve traffic safety in the City. (Plans and Policies Committee recommends approval.)


BACKGROUND INFORMATION: There are 687 motor vehicle accidents in Springfield per year that are attributed to distracted driving. Nationally, on average there are 3,358 deaths and 414,333 individuals injured because of distracted driving per year. In addition to resulting in unnecessary deaths, injuries and property damage distracted driving is the primary cause for increasing insurance premiums on motor vehicles. Proposed City Code Section 106-211 was drafted to address distracted driving and improve traffic safety in the City. Section 106-211 provides that unsafe activities while driving such as using a mirror, reading anything other than a vehicle's gauges and equipment, writing, drawing, or looking substantially away from the path of travel are prima facie evidence that a driver is engaged in careless and distracted driving. City Code Section 106-211 is a proactive tool for enforcement that allows for fines to be assessed for distracted driving with the goal of reducing preventable accidents that result in death, injuries, and increases in insurance premiums.

REMARKS: The Plans and Policies Committee voted to recommend passage of this Ordinance to better protect the safety of motorists by prohibiting certain activities while driving.

Submitted by:

  
\_\_\_\_\_  
Ragan Wright, Assistant City Attorney

Recommended by:

  
\_\_\_\_\_  
Frank Romines, City Attorney

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager