



To: City Council

Proposed for Council Meeting Date of:

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## **Staff Informational Sheet**

**Topic:** \_\_\_\_\_

**CIP Number:** \_\_\_\_\_

**Budget Amount:** \_\_\_\_\_

**Subject matter:**

**Background (problem/explanation):**

**Staff Recommendation:**

Submitted By: \_\_\_\_\_

Title: \_\_\_\_\_

Department: \_\_\_\_\_

Date: \_\_\_\_\_

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LEBANON, LACLEDE COUNTY, MISSOURI, (HEREINAFTER REFERRED TO AS "CITY") AMENDING THE CITY CODE OF ORDINANCES CHAPTER 25 TRAFFIC AND MOTOR VEHICLES BY ENACTING ARTICLE XIII RIGHTS AND DUTIES OF PEDESTRIANS AND MOTORISTS IN ARTERIAL ROADWAYS AND ARTERIAL INTERSECTIONS.

*WHEREAS*, that since 2013 there have been 18 injury accidents involving pedestrians; 11 occurred on arterial roadways resulting in 1 fatality;  
*and*

*WHEREAS*, that to help ensure the safety of our pedestrians and motorist from traffic hazards and potential injury, the adoption of new code language addressing arterial roadways and arterial intersections is necessary;  
*and*

*WHEREAS*, that information regarding said subject matter was presented to City Council by City Staff at the February 7, 2019 Work Session; *and*

*WHEREAS*, that Said Code Amendment was submitted to the City Council, for approval, by Council Bill No. 4757 at the February 11, 2019 Council Meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEBANON, LACLEDE COUNTY, MISSOURI, AS FOLLOWS;

SECTION 1: That the City Council of the City of Lebanon, Laclede County, Missouri, (hereinafter referred to as "City") hereby amends Lebanon Code of Ordinances Chapter 25 Traffic and Motor Vehicles by enacting Article XIII Rights and Duties of Pedestrians and Motorists in Arterial Roadways and Arterial Intersections to read as follows:

ARTICLE XIII.- Rights and Duties of Pedestrians and Motorists in Arterial Roadways and Arterial Intersections.

Sec. 25-578.- Purpose.

City Council finds and declares that the purpose of this article is to:

- (a) Protect pedestrians and motorists from traffic and motorists from traffic hazards and potential injuries that they may be exposed to when pedestrians engage in any activity on those portions of public streets with high traffic volumes and/or high speed limits that are open, improved, and in actual use for vehicular travel, and on medians within public streets that have high traffic volumes and/or high speed limits;
- (b) Protect pedestrians and motorists from traffic hazards and potential injury with may result from distractions created by person engaging in activities on public streets with high traffic volumes and/or high speed limits or medians within public streets that have high traffic volumes and/or high speed limits; and
- (c) Provide for the safe and expeditious flow of traffic at city intersections.

Sec. 25-579.- Definitions.

The following words, terms, and phrases, when used in this article shall have the following meanings, except where the context clearly indicates a different meaning:

*Arterial intersection* means any intersection with a speed limit, on at least one approach, of 35 miles per hour or greater; and/or average traffic volumes greater than 15,000 vehicles per day on at least on roadway; and/or a median less than six (6) feet wide in at least one roadway; and which has been designated as an arterial intersection by the traffic

engineer. "Arterial intersection" shall include the intersection and the intersection roadways for a distance of 100 feet from the intersection.

*Arterial roadway*, for the purposes of this section only, means any roadway with a speed limit of at least 35 miles per hour or greater and/or average traffic volumes greater than 15,000 vehicles per day; and which has been designated as an arterial roadway by the traffic engineer.

*Distribution conduct* means an exchange which requires an acceptance or rejection of the item being distributed between a person located in an arterial roadway and an occupant of a vehicle operating on an arterial roadway.

*Median or island* means the area between separated traffic lanes measured from edge of the traveled way to edge of the traveled way, including areas between traffic lanes for control of vehicular movements. Such an area may be physically defined by curbing, landscaping, or other physical obstacles to the area's use by vehicles or by traffic control markings, such as paint.

#### Sec. 25-580.-Designation of Arterial Roadways and Arterial Intersections.

The City's Street Master Plan designates roadways as arterial roadways and intersections located along arterial roadways shall be considered arterial intersections; a copy of the Street Master Plan can be obtained from the office of the city clerk.

#### Sec. 25-581.-Prohibitions.

- (a) No person shall cross an arterial roadway at any place except in a crosswalk. Where there is no crosswalk, a person shall cross only where a pedestrian-control signal is located. Where there is no crosswalk or pedestrian-control signal, a person shall cross only at an intersection.
- (b) No person shall be located upon a median in an arterial intersection unless in the process of legally crossing a roadway. Failure of a person to leave the median after two consecutive opportunities to cross the roadway in a lawful manner is prima facie evidence of a violation of this subsection, unless such person's mobility is restricted to a degree which makes such person unable to safely cross the roadway during two consecutive opportunities.
- (c) Except in the event of a vehicular or medical emergency, it shall be unlawful for an occupant of a vehicle to exit a vehicle while located within an arterial intersection.
- (d) No person, other than an occupant of a vehicle, shall be upon an arterial roadway except to lawfully cross. No person while upon an arterial roadway shall approach a vehicle on such roadway, except a vehicle that is lawfully parked. No occupant of a vehicle being operated on an arterial roadway shall engage in distribution conduct with a pedestrian standing in or entering upon an arterial roadway. Nothing contained here is intended to prohibit:
  - (1) Accepting from or distributing anything to occupants of a lawfully parked vehicle;
  - (2) Accepting from or distributing anything to occupants of a vehicle adjacent to a sidewalk if the person accepting or distributing remains at all times on the adjacent sidewalk; or
  - (3) Accepting or distributing anything to another person on a public sidewalk.

Sec. 25-582.-Exceptions.

Prohibitions listed in Sec. 25-581 shall not apply to:

- (a) Any law enforcement officer acting within the scope of his or her official duties;
- (b) Any person engaged in rescue activities, including providing assistance to an injured person or disabled vehicle;
- (c) Any person engaged in emergency repair or maintenance of a vehicle;
- (d) Public employees acting within the scope of their duties;
- (e) Any person performing work in an arterial roadway pursuant to valid permit;
- (f) Any person entering a stopped vehicle as an invited passenger where it is lawful to do so, including accessing taxicabs or public transportation; or
- (g) Any person soliciting donations for a charitable organization pursuant to valid permit. Permit requests shall be made to the Lebanon Police Department and will require a \$10.00 permit fee. Person(s) requesting a permit will also be required to complete a brief safety training course and personal protective equipment requirements.

Sec. 25-583- 25-595.-Reserved.

SECTION 2: Should any part of this Ordinance be rendered or declared invalid by a court of competent jurisdiction in the State of Missouri, such invalidation of such part or portion of this Ordinance shall not invalidate the remaining portions thereof and shall remain in full force and effect.

SECTION 3: That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed and approved by the City Council of the City of Lebanon, Laclede County, Missouri, on this 25th day of February 2019.

*(Seal)*

\_\_\_\_\_  
Mayor Jared Carr

*Attest:*

\_\_\_\_\_  
City Clerk Laina Starnes

1<sup>st</sup> Reading: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_