

ORDINANCE #67324
Board Bill No. 251

An Ordinance pertaining to the traffic code repealing Ordinance 65351 setting forth the penalty for traffic violations occurring within construction zones and enacting in lieu thereof a new ordinance pertaining to the same subject matter; further amending part 17.02.230 and 17.14.010 of Section One of Ordinance 57831 pertaining to the definition of emergency vehicles and the color of lights which may be displayed such emergency vehicles and further enacting a new section to be codified as Section 17.14.050 of the Revised Code traffic regulations for vehicles approaching stationary emergency vehicles; containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Part 17.02.230 of Section One of Ordinance 57831 is hereby amended to read as follows:

17.02.230 Emergency vehicles.

An "emergency vehicle" is a vehicle of any of the following types:

- A. A publicly owned vehicle whenever it is operated as an ambulance, but only during an emergency trip;
- B. A privately owned vehicle approved by the director of streets operated as an ambulance, but only during an emergency trip;
- C. A publicly owned vehicle when operated by an officer of either the Missouri State Highway Patrol or a police department, but only when (going to a destination in response to an emergency call or when in pursuit of an actual or suspected law violator);
- D. A publicly owned vehicle when operated by a fireman, but only when going to a destination in response to a fire alarm;
- E. A publicly owned vehicle when operated by the medical examiner, deputy medical examiner or medical examiner investigator, but only when going to a destination in response to an emergency call;
- F. A publicly owned vehicle when operated by the Missouri Department of Transportation, but only when going to a destination in response to an emergency call.

SECTION TWO. Part 17.14.010 of Section One of Ordinance 57831 is hereby amended to read as follows:

17.14.010 Displayed warning lights.

- A. There may not be on the street any vehicle displaying any white or colored light, flashing or non-flashing, except as provided in this chapter.
- B. The following class of emergency vehicles, defined in Section 17.02.230, may exhibit lights as stated:
 - 1. Ambulances, whether publicly or privately owned, may exhibit red or white lights, or with a permit from the chief of the organized unit, may exhibit blue lights;
 - 2. A publicly owned vehicle when operated by a fireman may exhibit red or white lights, or with a permit from the chief of the organized unit, may employ blue lights;
 - 3. A publicly owned vehicle when operated by the Missouri State Highway Patrol or a police department, may exhibit red or white lights;
 - 4. A publicly owned vehicle when operated by the Missouri Department of Transportation and all other vehicles owned and operated by a publicly utility, public service company or vehicle used for towing purposes with the approval of the director of streets, but only when going to a destination to perform an emergency service, may exhibit red, blue or yellow lights.

SECTION THREE. The following new section to be codified as Section 17.14.050 is hereby enacted:

17.14.050 Stationary emergency vehicle.

Upon approaching a stationary emergency vehicle displaying lighted red, blue, yellow or white lights, the driver of every motor vehicle shall:

A. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

B. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

C. Any violation of the provisions of this section shall be subject to a fine of not less than One Hundred and Fifty Dollars (\$150) nor more than Five Hundred Dollars (\$500).

SECTION FOUR. Ordinance 65351, codified as Section 17.40.040 is hereby repealed and in lieu thereof the following new section is enacted:

17.40.040 Moving violations in construction or work zones.

A. As used in this section the term "construction zone" or "work zone" means any area upon or around any street or highway which is visibly marked by the Missouri Department of Transportation, the Street Department for the City of St. Louis or a contractor or subcontractor performing work for the Missouri Department of Transportation or the City Street Department as an area where construction, maintenance, incident removal, or other work is temporarily occurring. The term "work zone" or "construction zone" also includes the lanes of streets or highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed. The terms "worker" or "highway worker" shall mean any person that is working in a "construction zone" or "work zone".

B. A person shall be deemed to be in violation of this ordinance if such person is found guilty for any of the following when the offense occurs within a "construction zone" or "work zone", as defined in this ordinance:

- (1) Exceeding the posted speed limit by fifteen miles per hour or more;
- (2) Passing in violation of subsection 4 of section 304.582 RSMo;
- (3) Failure to stop for a work zone flagman or failure to obey traffic control devices erected in the construction zone or work zone for purposes of controlling the flow of motor vehicles through the zone;
- (4) Driving through or around a work zone by any lane not clearly designated to motorists for the flow of traffic through or around the work zone;
- (5) Physically assaulting, or attempting to assault, or threatening to assault a highway worker in a construction zone or work zone, with a motor vehicle or other instrument;
- (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect workers and motorists in the work zone for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

C. Any violation of the provisions of this section shall be subject to a fine of not less than One Hundred and Fifty Dollars (\$150) nor more than Five Hundred Dollars (\$500).

D. This section shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to Section 302.302, RSMo.

SECTION FIVE. Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: December 11, 2006