

1st Reading 9/24/2024
2nd Reading 9/24/2024

BILL NO. 24-35

ORDINANCE NO. 5484

AN ORDINANCE AMENDING CHAPTERS 14 AND 15 OF THE MUNICIPAL CODE OF THE CITY OF CRESTWOOD, MISSOURI, RELATING TO THE PROHIBITION AGAINST THE ISSUANCE OF WARRANTS FOR CERTAIN MOTOR VEHICLE INFRACTIONS WITHIN THE CITY OF CRESTWOOD, MISSOURI

WHEREAS, pursuant to Article VI, § 19(a) of the Missouri Constitution, the Charter of the City of Crestwood (the “City”) gives the City all powers the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution and are not limited or denied either by the Charter or by statute, and provides that the City shall, in addition to its home rule powers, have all powers conferred by law; and

WHEREAS, Section 71.010, RSMo authorizes the City to pass ordinances regulating subjects, matters and things upon which there is a general law of the state and shall confine and restrict its jurisdiction and the passage of its ordinances to and in conformity with state law; and

WHEREAS, Chapter 300 of the Missouri Revised Statutes includes regulations regarding motor vehicles; and

WHEREAS, Senate Bill 754 (2024) enacted a new Section 307.018, RSMo, prohibiting the issuance of a warrant of arrest for an individual’s failure to respond, pay the fines assessed, or appear in court with respect to a traffic citation issued for an infraction under the provisions of Chapter 307, RSMo; and

WHEREAS, City staff has undertaken a comprehensive review of Chapter 14 of the Municipal Code of the City of Crestwood, Missouri (the “Code”), relating to motor vehicles and

traffic within the City to determine which infractions, if any, would be subject to Section 307.018, RSMo; and

WHEREAS, City staff believe it would be appropriate to incorporate the procedures of Section 307.018, RSMo into Chapter 15 of the Code; and

WHEREAS, pursuant to the authority granted to the City by its Charter, the Constitution of the State of Missouri, and Missouri statutes, the Board of Aldermen finds that the proposed amendments to Chapters 14 and 15 would be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1: Chapter 14 of the Municipal Code of the City of Crestwood, Missouri, is hereby amended, to read as set forth in Exhibit A (with new language in red), which is incorporated herein by reference and is hereby enacted in lieu thereof.

SECTION 2: Chapter 15 of the Municipal Code of the City of Crestwood, Missouri, is hereby amended by adding a Section, to be numbered Section 15-28, which reads as follows:

Sec. 15-28 Prohibition against the issuance of certain arrest warrants.

- (a) Notwithstanding any other provision of law or ordinance, the judge of the Municipal Court of the City of Crestwood shall not issue a warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic citation issued under the following provisions of Chapter 14:
- (1) Section 14-110;
 - (2) Section 14-111;
 - (3) Section 14-112;
 - (4) Section 14-113;
 - (5) Section 14-114;
 - (6) Section 14-115;
 - (7) Section 14-116;
 - (8) Section 14-117;
 - (9) Section 14-118;
 - (10) Section 14-119;
 - (11) Section 14-120;
 - (12) Section 14-124; and

- (13) Section 14-125.
- (b) In lieu of a warrant of arrest, the judge shall issue a notice of failure to respond, pay the fine assessed, or appear, and shall schedule a second court date for the person to respond, pay the fine assessed, or appear. A copy of the court's notice with the new court date shall be sent to the driver of the vehicle. If the driver fails to respond, pay the fine assessed, or appear on the second court date, the judge shall issue a second notice of failure to respond, pay the fine assessed, or appear. A failure to respond, pay the fine assessed, or appear after the second notice, may result in the issuance of a default judgment under Section 556.021, RSMo.
- (c) At any point after a default judgment has been entered, the driver may appear in court to state that he or she is unable to pay and to request the court to modify the judgment. The court shall hold a hearing to determine whether the driver has the ability to pay. If the court finds the driver lacks the present ability to pay, the court shall modify the judgment in any way authorized by statute or court rule, including:
- (1) Allowing for payment of the fine on an installment basis;
 - (2) Waiving or reducing the amount owed; or
 - (3) Requiring the driver to perform community service or attend a court-ordered program in lieu of payment.
- (d) At any point after the default judgment has been entered, the driver may appear in court and show proof that he or she corrected the equipment violation for which the fine and costs were assessed. If the driver shows such proof, the court may waive the fines and costs that are due.

SECTION 3: The remaining provisions of Chapters 14 and 15 of the Municipal Code of the City of Crestwood, Missouri shall remain in full force and effect.

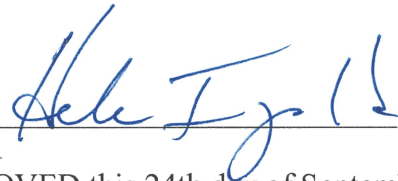
SECTION 4: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED AND SIGNED this 24th day of September, 2024.



MAYOR

ATTEST:



CITY CLERK

APPROVED this 24th day of September, 2024.



MAYOR

EXHIBIT A

Chapter 14. Motor Vehicles and Traffic

Article IX. Equipment and Safety

§ 14-110 Lights

- (a) No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required by law or this chapter unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as required by Sections 307.020 to 307.127 of the Revised Statutes of Missouri.
- (b) Every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two approved headlamps mounted at the same level with at least one on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one and not more than two approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front.
- (c) “When lighted lamps are required” means at any time from a half-hour after sunset to a half-hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead. Lighted lamps shall also be required any time the weather conditions require usage of the motor vehicle’s windshield wipers to operate the vehicle in a careful and prudent manner as defined in section 304.012. The provisions of this section shall be interpreted to require lighted lamps during periods of fog even if usage of the windshield wipers is not necessary to operate the vehicle in a careful and prudent manner.
- (d) Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.

§ 14-111 Colors of various lamps – restriction of red lights, penalty.

- (a) Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowlamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof.
- (b) Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.

§ 14-112 Dimming of lights.

- (a) Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred feet, or is within three hundred feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five feet ahead, and in no case higher than a level of forty-two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead.
- (b) Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.

§ 14-113 Taillamps, reflectors

- (a) Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two rear lamps, not less than fifteen inches or more than seventy-two inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.
- (b) Every motorcycle registered in this state, when operated on a street or highway of this City, shall also carry at the rear, either as part of the rear lamp or separately, at least one approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. A motorcycle may be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five seconds upon application of the vehicle's brakes.
- (c) Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.

§ 14-114 Signaling Devices.

- (a) Every motor vehicle shall be equipped with a horn, directed forward, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to others using the street and to pedestrians. Such signal and device shall be used for warning purposes only and shall not be used for making any unnecessary noise. No other sound-producing signaling device shall be used at any time. Emergency vehicles of the Fire

Department and underwriter salvage corps and vehicles being used by police officers in discharge of duty may use either a siren or bell; all other authorized emergency vehicles may use a bell or a horn only.

- (b) Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.

§ 14-115 Mufflers.

- (a) Required. Mufflers on motor vehicles must be so constructed that no discernible noise or sound from the motor shall emit therefrom, and it shall be unlawful for any person to alter or in any way change a muffler on a motor vehicle so as to cause a discernible noise or sound. It shall be the duty of operators of motor vehicles in the City at all times to keep and have mufflers in good working order, and the type of mufflers popularly known as the “Hollywood” muffler and similar types of mufflers are expressly prohibited.
- (b) Cutouts. Muffler cutouts shall not be used and no vehicle shall be in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever, and shall be so arranged that it cannot automatically open or be opened or operated while such vehicle is in motion.
- (c) Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.

§ 14-116 Brakes.

- (a) All motor vehicles, except motorcycles and motortricycles, shall be provided at all times with two sets of adequate brakes, kept in good working order, and motorcycles and motortricycles shall be provided with one set of adequate brakes kept in good working order.
- (b) Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.

§ 14-117 Mirrors.

- (a) All vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator’s seat.
- (b) Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.

§ 14-118 Projections on vehicles.

- (a) Any vehicle carrying poles or other objects, which project more than five feet from the rear or front of the vehicle, shall, during the period when lights are required, carry a red light at or near the rear end of the pole or other object projecting. At other times a red flag or cloth, not less than 16 inches square, shall be displayed at the end of such projection.
- (b) Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.

§ 14-119 Iron Tires.

- (a) No person shall operate a motor vehicle equipped with iron or other metal tires on any street in the City without a special permit from the Director of Public Works, which permit shall prescribe the route and other conditions under which the vehicle may be operated, and no such vehicle shall travel in excess of 10 miles per hour on any street unless so directed by the police.
- (b) Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.

§ 14-120 Towing vehicles.

- (a) When one vehicle is being towed by another, they shall be coupled by a line so that the two vehicles will be separated by not more than 15 feet and there shall be displayed on the tow line a white cloth or paper so that the same will be clearly visible to other users of the street. During the time lights are required, the required lights shall be displayed by both vehicles.
- (b) Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.

...

§ 14-124 Seat belts.

- (a) "Passenger car" defined. As used in this section, the term "passenger car" means every motor vehicle designed for carrying 10 persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and trucks.
- (b) Required; exceptions. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1,

1968, operated on a street or highway in this City, shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that, a child less than four years of age shall be protected as required in § 14-125 of this Code. Each driver of a motor vehicle transporting a child four years of age or more, but less than 16 years of age, in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety belt. No person shall be stopped, inspected or detained solely to determine compliance with this subsection. The provisions of this section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about his or her body.

- (c) Violation; penalty. Any person who violates any of the provisions of this section shall be guilty of an offense and, upon conviction, may be punished by a fine of not more than \$10.00. No court costs may be imposed for such violation, if court costs have been assessed on any other charge arising out of the same occurrence. **Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.**

§ 14-125 Child passenger restraint systems.

- (a) As used in this section, the following terms shall mean:
- (1) “Child booster seat”, a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 CFR 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system.
 - (2) “Child passenger restraint system”, a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 CFR 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.
 - (3) “Driver”, a person who is in actual physical control of a motor vehicle.
- (b) Every driver transporting a child under the age of 16 years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this City, for providing for the protection of such child as follows:
- (1) Children less than four years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child.
 - (2) Children weighing less than 40 pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.
 - (3) Children at least four years of age but less than eight years of age, who also weigh at least 40 pounds but less than 80 pounds, and who are also less than four feet, nine inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child.
 - (4) Children at least 80 pounds or children more than four feet, nine inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.
 - (5) A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.
 - (6) When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children

who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this subsection is not in violation of this section. This subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than 16 years of age being transported in a motor vehicle.

- (c) Any driver who violates subdivision (1), (2), or (3) of subsection (b) of this section is guilty of an offense and, upon conviction, may be punished by a fine of not more than \$50 and court costs. If a driver receives a citation for violating subdivision (1), (2), or (3) of subsection (b) of this section, the charges shall be dismissed or withdrawn if the driver prior to or at his or her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the driver's citation.
- (d) Any driver who violates subdivision (4) of subsection (b) of this section shall be subject to the penalty in section 307.178.5, RSMo, which provides that the driver shall be guilty of an offense and may be punished by a fine of not more than \$10.00. No court costs shall be imposed and in no case shall points be assessed for violating subdivision (4) of subsection (b). **Failure to respond, pay the fine assessed, or appear in court regarding a violation of this Section is subject to the procedure set forth in Section 15-28, and a warrant shall not be issued.**
- (e) The provisions of this section shall not apply to any public carrier for hire. The provisions of this section shall not apply to students four years of age or older who are passengers on a school bus designed for carrying 11 passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in section 301.010, RSMo.