

BILL NO. 4783

ORDINANCE NO. 4783

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FESTUS, MISSOURI, ENACTING NEW SECTIONS, TO BE NUMBERED 320.060 AND 320.070 OF THE CODE OF ORDINANCES OF THE CITY OF FESTUS, REGARDING MOVING TRAFFIC VIOLATIONS OR SPEEDING WITHIN A CONSTRUCTION ZONE OR WORK ZONE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, § 77.260, RSMo provides that the City Council of the City of Festus may enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall be deemed expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof; and

WHEREAS, § 304.120, RSMo, provides that cities may establish reasonable speed regulations for motor vehicles within the City, and to make additional rules of the road or traffic regulations to meet their needs and traffic conditions; and

WHEREAS, §§ 304.582 and 304.585, RSMo provides for additional penalties for moving violations committed by drivers within construction zones and work zones; and

WHEREAS, it is desirable to maintain a safe environment for works and for the general public present within a public road or right of way containing a “construction zone” or “work zone” within the City of Festus; and

WHEREAS, City Staff recommends that Chapter 320 of the Code of Ordinances of the City of Festus (“Code”) be amended to prohibit speeding in “construction zones” and “work zones” within the City of Festus; and

WHEREAS, the City Council of the City of Festus finds and determines that amending Chapter 320 of the Code to include penalties for moving violations within “construction zones” and “work zones” would be in the best interest of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FESTUS, MISSOURI, AS FOLLOWS:**

SECTION I. Chapter 320 of the Code of Ordinances of the City of Festus, Missouri, is hereby amended by the enactment of new Sections 320.060 and 320.070 to read as follows:

**TITLE III. TRAFFIC CODE.**

**CHAPTER 320. SPEED REGULATIONS.**

**SECTION 320.060. CONSTRUCTION OR WORK ZONE OFFENSES.**

A. *Definitions.*

As used in this Section, unless the context otherwise indicates, the following terms mean:

**CONSTRUCTION ZONE OR WORK ZONE**

Any area upon or around any highway which is visibly marked by the Missouri Department of Transportation, Jefferson County, and/or the City, or a contractor working for the Missouri Department of Transportation, Jefferson County, and/or the City as an area where construction, maintenance, or other work is occurring, including the lanes of a highway leading up to the area upon which an activity described in this Subsection is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted.

**HIGHWAY**

Any public thoroughfare for vehicles, including State roads, County roads and public streets, avenues, boulevards, parkways or alleys.

**MOVING VIOLATION**

That character of traffic violation of traffic or motor vehicle operation ordinance of the City where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration, license, or violations relating to sizes and weights of vehicles.

- B. No person shall operate a motor vehicle upon or within any construction zone or work zone at a rate of speed in excess of the speed limit for such construction zone or work zone. The City Traffic Engineer is authorized to post signage within any construction zone or work zone indicating the speed limit for such construction zone or work zone.
- C. Upon a conviction or a plea of guilty by any person for any moving traffic violation established by this Code, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a "construction zone" or "work zone." Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized to be imposed by law.
- D. Upon a conviction or plea of guilty by any person for a speeding violation, or a passing violation pursuant to Subsection (G) hereof, the court shall assess a fine of two hundred fifty dollars (\$250.00), in addition to any other fine authorized by law, if the offense occurred within a construction zone or a work zone, and at the time the speeding or passing violation occurred there was any person in such zone who was there to perform duties related to the reason for which the area was designated a construction zone or work zone. For a second or subsequent conviction or plea of guilty, the court shall assess a fine of three hundred dollars (\$300.00) in addition to any other fine authorized by law. However, no person assessed an additional fine pursuant to this Subsection shall also be assessed an additional fine pursuant to Subsection (C) hereof, and no person shall be assessed an additional fine pursuant to this Subsection if no signs have been posted pursuant to Subsection (E) of this Section.

- E. The penalty authorized by Subsection (D) of this Section shall only be assessed by the court if signs have been erected upon or around a construction or work zone, are clearly visible from the highway and which state substantially the following message: “Warning: \$250 fine for speeding or passing in this work zone”.
- F. During any day in which no person is present in a construction zone or work zone established pursuant to Subsection (D) of this Section to perform duties related to the purpose of the zone, the sign warning of additional penalties shall not be visible to motorists. During any period of two hours or more in which no person is present in such zone on a day in which persons have been or will be present to perform duties related to the reason for which the area was designated as a construction zone or work zone, the sign warning of additional penalties shall not be visible to motorists. The Director of Public Works, Missouri Department of Transportation or contractor performing work for the Missouri Department of Transportation shall be responsible for compliance with provisions of this subsection. Nothing in this Subsection shall prohibit warning or traffic control signs necessary for public safety in the construction or work zone being visible to motorists at all times.
- G. The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone. This Subsection applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane by an appropriate sign erected by the City Traffic Engineer, Missouri Department of Transportation, or a contractor performing work for the City or for the Missouri Department of Transportation.
- H. 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 320.060. ENDANGERMENT OF A HIGHWAY WORKER IN A CONSTRUCTION OR WORK ZONE.**

- A. A person shall be deemed to have committed the offense of “endangerment of a highway worker” upon conviction for any of the following when the offense occurs within a construction zone or work zone as defined in this Chapter.
  - 1. Exceeding the posted speed limit by fifteen (15) miles per hour or more;
  - 2. Passing in violation of Subsection (G) of Section 320.060 of this Chapter;
  - 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; or

7. Committing any of the following offenses:
- a. Leaving the scene of an accident;
  - b. Careless and imprudent driving;
  - c. Operating without a valid license;
  - d. Operating with a suspended or revoked license;
  - e. Driving while in an intoxicated conduction or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;
  - f. Any felony involving the use of a motor vehicle.
- B. Upon conviction or a plea of guilty for committing the offense of endangerment of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than five hundred dollars (\$500.00).
- C. Except for the offense established under Subdivision (6) of Subsection (A) of this Section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one (1) or more highway workers were in the construction zone or work zone.
- D. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker for any act or omission otherwise constituting an offense under Subsection (A) of this Section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle or from the negligence of another person or a highway worker.

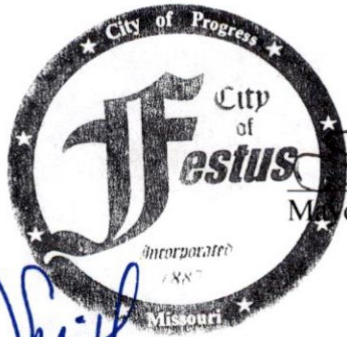
SECTION II. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION III. This Ordinance shall be in full force and effect upon its passage by the City Council and the approval by the Mayor.

READ TWO TIMES AND PASSED THIS 12<sup>th</sup> DAY OF August, 2024.

Samuel F. Richards  
President of the City Council

APPROVED THIS 13<sup>th</sup> DAY OF August, 2024.



Samuel F. Richard  
Mayor of the City of Festus

Deal Smith  
City Clerk