

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager *MEM*

SESSION DATE: April 8, 2008
TIME: 5:30 p.m.
PLACE: Second Floor Conference Room

AGENDA:

- **2008 Infrastructure Projects**
- **Ordinance Allowing Alcohol on Certain City Property**
- **Ordinance Amendments to Chapter 15**
- **Newsletter Review – April 4, 2008**

2008 INFRASTRUCTURE PROJECTS

Over the course of several years and as part of the budget process, the City Council discusses infrastructure needs for the City. Included in this packet is a summary of the projects scheduled for this year. Projects are divided into five basic areas: streets, storm drainage, water, wastewater and park improvements.

Some of the projects are a result of long range planning and include projects such as the Cable Street extension and Jefferson Street improvements. Projects are included to respond to ongoing maintenance needs such as the 2008 street improvement plan and storm drainage improvements. Several projects slated for this year are projects that resulted from voter approval, the completion of Route P sewer, Basin C&F improvements, and water plant phase II work. Other projects reflect partnerships with other state and local organizations like the skate park and the Highway 63 sidewalk program.

It is important to note that during each budget process, the City Council reviews and evaluates the long range infrastructure plans.

We will review this projects with the Council just a reminder of the work that will be done in the 2008 fiscal year. Included is a report from Public Works Director John Buckwalter outlining the various projects.

Recommended Action: No Council action is needed at this time.

ORDINANCE ALLOWING ALCOHOL ON CERTAIN CITY PROPERTY

At the January 22, 2008 City Council Study Session, the City Council was presented a proposal to enhance the airport days hosted at the Kirksville Regional Airport. The president of the Kirksville Airport Association, Randy Smith was in attendance and outlined the ideas and activities proposed for the event. One of those events included the sale of alcohol at the airport. The City Council also discussed expanding that opportunity by allowing the sale of alcohol at North Park and Rotary Park.

Included for City Council review is a report from Community Services Director Steve Bell and an ordinance that has been prepared by City Attorney Howard Hickman. It was intended that this Ordinance be considered in time to allow for the promotion of the dance as part of the Airport Days.

Recommended Action – The City Council needs to review the ordinance and determine if it is what was expected based upon your discussion from January.

ORDINANCE AMENDMENTS TO CHAPTER 15

In November, the City Council reviewed a number of Ordinances. Several of the proposed changes were to insure compliance with state law. The Council has already considered an ordinance regarding alcohol. Another ordinance recently passed by the Council concerned vicious animals and quarantine of animals.

Chapter 15 was the final chapter discussed at the meeting and included changes to comply with existing state law and changes to address existing problems. The ordinance at the end of this document outlines several changes. Many of these relate to the use car restraints for youth. Two other areas that the City Council needs to review before it is placed on the agenda affects the use of a boot for those motorized vehicles that are found to have three or more unpaid parking tickets. Another significant change is the prohibition of certain motorized bicycles on city streets. We discussed the issues surrounding the use of pocket bikes. The proposed ordinance prohibits their use on city streets.

A copy of the staff report from the September Study Session is included as a reminder of the issues outlined by Police Chief, Jim Hughes.

Recommended Action – Review the proposed ordinance and determine if it meets with Council approval.

NEWSLETTER REVIEW – April 4, 2008

Attachments

- Staff Report on Infrastructure Projects – pgs. 3-6
- Staff Report on Use of Alcohol on Certain City Property – pg.7
- Proposed Ordinance Regarding – pgs. 8 -10
- Staff Report on Ordinance Changes to Chapter 15 – pgs. 11-12
- Proposed Ordinance Amending Chapter 15 – pgs. 13-17

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Infrastructure Projects

STUDY SESSION MEETING DATE: April 8, 2008

CITY DEPARTMENT: Public Works

PREPARED BY: John Buckwalter, Public Works Director

This report summarizes major infrastructure projects planned or proposed for the 2008 construction season.

STREETS AND STORM DRAINAGE: In 2008 staff intends to better integrate the in-house effort of Public Works crews into the annual street improvement program. There are two street projects which will be done by contract in 2008, and there will be separate contracts for concrete pavement repair and asphalt overlay work.

Jefferson Street Reconstruction: This is the first street improvement proposed as part of the Downtown Improvement and Streetscape program. This project will realign Jefferson Street from High (the Post Office) to First Street (ATSU campus), providing a consistent driving pattern, increasing green space, and aligning storm drainage inlets with the driving lanes. This project has been designed by Trabue Hanson and Hinshaw for the City. It is scheduled to be advertised beginning April 8th, bids will be opened on April 29th, with recommendation to award to Council on May 6th. This project is expected to be substantially complete in 90 days. Construction from June 1-September 1 is anticipated. The estimated construction cost for this project is \$651,000.

Cable Street, Industrial Road to Baltimore: This project will construct a 36 foot wide industrial grade street connecting the City's industrial park to the Home Depot development, joining the street segments already completed on each end (1380 feet). It is required to provide access to the remaining lots in the industrial park and will improve traffic flow to and from Baltimore. This project is being designed by City staff. The budgeted cost for this project is \$260,000.

Street Repair and Overlay: This project provides for annual resurfacing of selected streets based on a pavement maintenance management program. Streets are repaired or upgraded by overlay, seal coating, crack sealing, or replacement of concrete sections. This part of the program funds resurfacing/repair of 3 to 5 miles of street per year. The budget allocates \$400,000 annually.

Curb, Gutter and Storm Drainage Construction: This project provides for the construction or replacement of 5000 feet of curb and gutter on an annual basis, as well as storm drainage improvement. Curb and gutter projects are coordinated with the pavement repair and overlay program. \$150,000 is included in the 2008 budget for this work.

Crack Sealing Program: The street inventory includes over 40 miles of concrete streets and additional asphalt streets with concrete curb and gutter. Sealing joints and cracks in concrete pavements will reduce water infiltration into the base, reduce spalling, and increase the life of streets and curbs. The 2008 proposal includes \$80,000 to purchase required equipment and start up materials. This work will be done by city crews. This will be an ongoing street maintenance task for the Public Works Department, with a goal of sealing at least 5 miles of street (110,000 feet of joints) each year.

Street Repair And Storm Drainage By City Forces: Public Works crews will expand the amount of concrete pavement repair done in house in 2008, and will concentrate on the smaller repairs which drive up the cost of contract work. Crews will clear storm drainage channels on Jamison Street, Emmett Street, Pheasant Run Subdivision and the North Park complex. Crews will repair drainage and base on Rye Creek Road and Brooke Drive before planned asphalt work. City crews plan to replace the storm inlets and grates at the Elson-Illinois intersection, improve storm drainage near the old Washington School, and correct drainage problems on Illinois from Franklin to Marion. Crews will continue to make spot repairs to asphalt streets with the patching machine and hot mix asphalt when available.

WASTEWATER TREATMENT AND COLLECTION: The last project from the 2000 Annexation Plan of Intent will be completed this year. Work outlined under the original facility plan for the wastewater collection system will resume with repair and improvement of mains in basins C and F in the southwest quarter of the City. Work will resume on providing service to unsewered areas in the preannexation portions of the City and correcting deficiencies in undersewered areas.

Route P Sewer Extension. This sewer extension serves the area annexed in 2000-2001 which lies along Route P from Somerset to Clearwater way. Work began in fall 2007 and is scheduled to be completed by May 29, 2008. This is the last infrastructure work promised under the 2000 Annexation Plan of Intent. This project will have a final construction cost of \$635,886. This project was designed by GBA, the general contractor is Willis Brothers, Inc., and inspection is being done by City staff.

Basin C and F Improvements. This project makes urgent repairs and upgrades to the sanitary sewer collection system in Basins C and F in the southwest part of Kirksville. This project was designed by GBA, and is funded under the State Revolving Loan Fund program. It includes replacing 2928 feet of 8 inch main, replacing 2187 feet of 15 inch main, and lining over 9670 feet of pipe. (Trenchless repair). The low bid for this project is \$797,413 submitted by Stoneburner Construction of Bethel. Council will be asked to approve this bid on April 14th. This project is expected to take 120 calendar days, starting around June 1.

Undersewered Areas: Properties in the City which have water service, but no billed sewer service have been identified. Work continues on identifying those properties which have billed sewer service but are on undersized or shared service lines continues. It is planned to identify properties which need immediate attention by May, and to design sewer extensions to serve them. Design will be done in house, and most construction will be by City forces.

Highway 6 Lift Station Replacement: The 2008 budget includes \$192,000 for replacement of the Highway 6 lift station. This lift station was constructed in 1976 and is at the end of its operating life. This project has not yet been designed.

WATER TREATMENT AND DISTRIBUTION: The 2008 construction schedule calls for completion of the second phase of renovations at the Water Treatment Plant. City crews are scheduled to replace approximately 10,000 feet of water main.

Phase II Plant Improvements. This project will replace the high service pumps at the water treatment plant, expand the laboratory, replace the main electrical supply, replace chemical feeders, and hydraulically balance the two secondary clarifiers. This project has been designed by Benton and Associates, and final plans are at the Department of Natural Resources for review. It is anticipated that this project will be advertised for bid in late May, with recommendation for award to Council on July 1. Work would begin on September 15th, and be completed by August 1, 2009. The budgeted cost for this project is \$1,730,000 spread between budget years 2008 and 2009. This project if funded under the State Revolving Loan program.

Water main replacements: Water main replacements scheduled for 2008 will be done by City crews, using designs and specifications prepared by City staff. Work planned includes: Replacement of old mains in Northtown Road, an 8-inch main in Halliburton from Randolph to Normal, a 6-inch main on Smith from First to Wabash, a 6-inch main on Wabash from Michigan to George, a 6-inch main on Gardner from Osteopathy to Boundary, and 6-inch mains on Decker, Olive, Oakland, Ewing, and Boundary from Gardner to Missouri. \$290,000 is included in the budget for these projects.

PARKS AND TRAILS: The 2008 infrastructure plan includes design and construction of sidewalks and trails along and connecting to Baltimore from Illinois to New Street, construction of the east sidewalk phase of the Franklin Streetscape project, construction of a skate park at the North Park complex, parking improvements at North Park, and paving the parking area at the Amphitheater in Rotary Park.

Baltimore Sidewalk Connectivity. This project is funded by a MoDOT grant and the Capital Improvement Sales Tax. It includes new, ADA compliant sidewalks on Baltimore south of LaHarpe, and from Illinois to New Street. It includes sidewalks on Cottonwood connecting the Village 76 facility to Baltimore, and includes a trail section from Rotary Park to the Steer Creek trail near Queens Road. This project is being designed by City staff. Construction is expected to begin in June, with completion by the end of September. Estimated construction cost is \$295,436.

Skate Park: This project will provide a modern facility for skate boarders and other skaters located near the intersection of Emmett and Novinger streets in the North Park Complex. It is to be funded by a grant and by contributions by citizens. Design of the facility will be by City the community services director and engineering staff. Scheduling is dependant on funding availability.

Rotary Park: The 2008 Capital Improvement Sales Tax plan includes \$60,000 for parking improvements at the Rotary Park Amphitheater. Design of this parking area was prepared by City staff, and will be revised to match available funding. It is anticipated that the asphalt work for this project will be combined with the 2008 Overlay Program.

Franklin Streetscape: This project includes new sidewalks, decorative lighting, and way finding signage on Franklin Street from Normal to Washington. New sidewalk construction will be limited to the east side of Franklin. This project is funded at \$323,000 from the Downtown TIF and grant monies. It is currently under construction by Mihalevich Concrete Construction. Design and construction inspection is by City staff. An additional \$33,500 from the CIST is allocated to this project to complete the renovation of six downtown corners.

AIRPORT: Infrastructure projects at the Kirksville Regional Airport in 2008 include completion of the wind cone/sign replacement project and relocation of the electrical power lines at the north end of the field.

Wind Cones and Sign Panels. This project was awarded in 2007, and includes the construction of two new wind cones, and the replacement of 53 sign legend panels on the runway and taxiways. Work is expected to be completed by the contractor, Strukel Electric Inc., by May 30. The cost of this work is \$51,190, 95% of which is paid by the MoDOT block grant program.

Utility Relocation: The 2008 capital plan for the Airport includes a project to relocate the overhead electrical lines at the North end of the main runway to underground. This work will be designed by Ameren UE and the City's consultant, BWR. This project is funded primarily by the MoDOT block grant program, and is budgeted at \$175,000.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Sale and/or Consumption of Alcohol on City Property

STUDY SESSION MEETING DATE: April 8, 2008

CITY DEPARTMENT: Community Services

PREPARED BY: Steven Bell, Community Services Director

Randy Smith, Kirksville Airport Association, approached City Council with a proposal to develop an air show at the Kirksville airport in September. As part of his proposal he requested that beer and wine be served at the event. In further discussion staff was asked to also research methods of allowing alcohol at North Park and the Rotary Park Amphitheater for special events.

The current ordinance allows for the sale of beer and wine on public property in the downtown business district only. The October Fest in front of IL Spazio is an example of current practice allowable under the existing ordinance.

The new ordinance would allow for the consumption of beer and wine at North Park, Rotary Park Amphitheater and the Airport in addition to the downtown district. The applicant for any permit to sell alcohol must be a nonprofit, charitable organization or department of the City of Kirksville.

All events for which a permit is issued will comply with the following: The area in which the possession and consumption of alcohol will be allowed must be in a designated enclosed area defined by appropriate physical barriers (e.g. fencing, etc.) to prevent unauthorized entry or contact with individuals outside such area. The area will include city approved entrances/exits, which will be staffed at all times. A system of checking I.D.'s to prevent underage drinking must be provided and followed. A layout of the area to be utilized for serving and consuming alcohol will be provided with the application. The specific hours of the event will be approved as part of the permit. All events for which a permit is issued will conclude no later than twelve o'clock midnight.

The applicant must comply with all other City ordinances and policies regarding the use of City property.

**Policy For Consumption of Alcohol
(Intoxicating Liquor or Non-intoxicating Beer)
On City Property**

PURPOSE:

The City of Kirksville hereby adopts the following policy to allow for the consumption of alcohol on City Property. The purpose of this policy is to prescribe the manner in which permits for the consumption of alcohol at special events on City property will be issued, the requirements for such permits, and the rules and regulations governing such activities. The applicant must comply with all other City ordinances and policies regarding the use of City property.

PROCEDURES:

1. Any request for the use of a public facility, whether or not it involves the consumption of alcohol, must be made to the appropriate City department responsible for the administration of that facility.

2. In addition to the submittal of an application for the use of a public facility, sponsors of any special event at which it is proposed that alcohol be allowed to be consumed must also submit an application to the City Clerk's office for a permit to possess and consume alcohol at a special event on City property no later than sixty (60) days in advance of the proposed event or effective date of the permit. There shall be no fee for such application

3. Application's will be approved by the City Council after input from the City Manager and other City departments. A permit may be denied if, based on information acquired by or submitted to the City Council, it is determined that the issuance of the permit is contrary to the public health, welfare and safety.

GENERAL REQUIREMENTS:

1. **Insurance** - The permit holder shall provide a certificate of general liability insurance which names the City as an additional insured, and provides for at least fifteen (15) days notice of cancellation. The minimum insurance coverage limits shall be \$1,000,000.00 per occurrence and \$1,000,000.00 aggregate.

2. **Applicant** - Only municipal, charitable and/or nonprofit organizations shall be allowed to apply for and receive such a permit, in conjunction with a specified event to be held on City property as designated in the application. Only one organization per event is eligible to receive such a permit, which must be the primary organization sponsoring the event, or a municipal, charitable or nonprofit organization selected by the primary sponsor.

3. **Special Event Defined** - A special event is defined as any event that is open to the public, regardless of whether a fee is charged, specific to an identifiable time and place.

4. **Posting** - The permit for the possession and consumption of alcohol on City property must be posted in a conspicuous location at all times during the event.

5. **Other** - The permit holder must meet with Kirksville Police Department staff to review all rules, regulations and conditions associated with the permit. A representative of the permit holder is required to be on site for the entire event, and shall provide contact information to the Kirksville Police Department. The permit holder shall comply with all conditions established by the Kirksville Police Department and/or the Kirksville Fire Department for such event.

6. **Locations** - Permits for the possession and consumption of alcohol on City property will only be considered at the following locations:

- a. Airport
- b. Downtown streets located in the Central Business District
- c. North Park Complex
- d. Rotary Park Amphitheater

7. **Security** - Certain events may require the need for security personnel or police officers for crowd and traffic control. Security requirements will be determined by the Kirksville Police Department, which must be accepted and followed. The applicant/sponsor will be required to pay for security personnel for the event.

8. **Location Layout Requirements** - All events for which such a permit is issued shall comply with the following:

- a. The area in which the possession and consumption of alcohol will be allowed must be in a designated enclosed area defined by appropriate physical barriers (e.g. fencing, etc.) to prevent unauthorized entry or contact with individuals outside such area.
- b. The Kirksville Police Department shall determine the number of entrances/exits required for each event. All entrances/exits, shall be staffed at all times.
- c. A system of checking I.D.'s to prevent underage drinking must be provided and followed.

d. A layout of the area to be utilized for serving and consuming alcohol shall be provided with the application. Such area proposed must be approved as part of the issuance of the permit.

e. The specific hours of the event will be approved as part of the permit, however, all such events for which a permit is issued shall conclude no later than twelve o'clock midnight.

9. ***Sale of Alcohol*** - The sale of alcohol at any such event shall only be allowed by the holder of valid licenses for such sales issued by both the City of Kirksville, and the Missouri Department of Liquor Control.

10. ***Terms and Conditions*** - Various City departments, including the Kirksville Police Department and the Kirksville Fire Department, will be asked to review the application, and may recommend to the City Council the placement of certain conditions or requirements on the issuance of the permit. The permit issued by the City will contain the terms and conditions under which the permit is being issued and are deemed necessary by the City Council. The applicant/sponsor will be required to sign the permit, thereby agreeing to all terms and conditions thereof, and to the provisions of this policy.

11. ***Comply With Other Laws*** - Applicant/Sponsor shall not allow the site of the special event to be used in violation of any other local, state or federal law or regulation, including, but not limited to, those prohibiting public intoxication and serving of alcoholic beverages to minors.

12. ***Indemnity*** - The applicant/sponsor shall agree to hold the City harmless and indemnify the City and defend the City from and against all claims, actions, suits or demands, including reasonable attorneys fees, arising out of any breach by applicant of the terms of this policy or of the terms and conditions of the permit.

{We will still need to tweak a couple of the existing code sections and generate a form application and form permit.}

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Changes to Code of Ordinances

STUDY SESSION MEETING DATE: September 25, 2007

CITY DEPARTMENT: Police

PREPARED BY: James C. Hughes, Chief of Police

As you are aware, every year the Police Department evaluates the need to update and/or add to the Code of Ordinances for the City of Kirksville. Most of these recommendations are designed to correct deficiencies identified by enforcement officers, or bring the City Code into compliance with Missouri Revised Statutes. This year is no exception. Listed below will be a brief explanation of some of the 2007 recommendations (the specific changes are listed in the amendment document formally presented to Council):

Dogs

The Police Department has discussed charging for dog licenses (only to recoup costs). Although no firm decision has been reached, we are recommending that the language in the ordinance be modified to allow the possibility of charging an administrative fee sometime in the future.

The Police have run into some difficulty in enforcing certain provisions because, by statute, only the owner is responsible for the animal. It is not unusual for persons caring for animals to claim (whether they are being truthful or not), that they are watching the dog for a friend. The Department would like to make anyone responsible for the care of an animal, whether they are the actual owners or not, to be legally responsible for the animals behavior.

Many dog bites are the result of a family pet. Our current code does not allow us to quarantine the animal in place (even if they have proof of vaccination and the victim wants this action). We are recommending that housing in place, within certain parameters, be allowed.

We have run into problems with vicious animals. The code currently requires that they be returned to the owners. We would like, under very specific criteria, if the animal is identified as a continuing public safety hazard that the animal be removed permanently from the city or killed humanely.

The current code only allows us to pursue vicious animal prosecution when the person has been officially notified that the animal is vicious (which requires a prior police written notice). However, there are instances where there is sufficient documentation that the owner should have already known that the animal was vicious. We are recommending that the ordinance be modified to allow vicious animal complaints to be pursued if the owner should reasonably have known the animal was vicious.

Comment [MEM1]: Council considered and approved ordinance changes.

Alcohol

This recommendation merely brings the current code up to date with Missouri Revised Statutes and allows officers to write Minor in Possession tickets (through consumption) in Municipal Court not State Court (as is currently done).

Child Safety Seats

These recommendations update the current municipal Code to be more in compliance with the State Ordinance.

School Bus

This recommendation will bring the Municipal Code into Compliance with the State Law. One major change (which the officer can already enforce via the State) is to create a rebut table presumption that the owner is the driver of any vehicle violating the school bus ordinance.

Vehicle License Plates

This just changes current language to be a little clearer.

Boot Ordinance

Based on a number of factors (e.g. low fines, complicated paperwork), parking enforcement is not as effective as it could be. This statute (which is modeled after any number of similar ordinances throughout the country) allows the City to put a demobilization device (often referred to as the Denver Boot) on vehicles owned/operated by traffic scofflaws; after they have a minimum of three unpaid parking tickets. This requires that the vehicles owner be held responsible for their actions before the device will be removed.

Scooters/Pocket Bikes

State law (and our Municipal Ordinance) currently allows some motorized devices to be driven on City Streets without being insured or registered. A child hit by a scooter will not be able to tell whether the scooter has a 49 cc motor or a 51 cc motor. One requires insurance and licensing, the other does not. Since they are not licensed, we often recover these small scooters and can not trace their ownership. As a result, we are recommending that all motorized devices (with a few listed exceptions), driven on City streets, be insured and either licensed by the State or City (through the use of a visible sticker). In addition, there is a category of such device being driven on our streets that the police refer to as pocket bikes. They are very small and are extremely difficult to see. The Department is recommending a minimum height, for such devices, before they can be driven on City Streets.

Comment [MEM2]: Council considered and approved ordinance changes.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING AND REPEALING CERTAIN SECTIONS OF CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING MOTOR VEHICLES AND TRAFFIC.

WHEREAS, enforcement issues/questions arise, on a regular basis, that result in a review of portions of the current City of Kirksville Code of Ordinances; and

WHEREAS, that review will periodically identify changes that need to be made in the current City of Kirksville Code of Ordinances; and

WHEREAS, the proposed changes are recommended to more efficiently bring the written code into compliance with recommendations to resolve identified problems.

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

Section I. That Section 1 of Chapter 15, of the Code of Ordinances, be amended to include new definitions as follows:

***Child booster seat* shall mean a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system.**

***Child passenger restraint system* shall mean a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 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.**

***Motorized play vehicle* shall mean mini-motorcycles, pocket bikes, and any other vehicle that is capable of transporting a person or persons at a speed in excess of five (5) miles per hour, excluding personal assistive mobility devices/motorized wheelchairs; that is self propelled by a motor or engine; and that is not otherwise defined by Missouri Statutes, or the City of Kirksville Code of Ordinances, as a motor vehicle, bicycle or motorized bicycle.**

The definition of *Motorized bicycle* is repealed, and shall be replaced with the following:

***Motorized bicycle* shall mean any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowner's or renter's insurance policy.**

Section II. That Section 5 of Chapter 15 of the Code of Ordinances, shall be amended as follows:

Section 15-5. Use of toy vehicles **and motorized play vehicles.**

- (a) No person upon roller skates, rollerblades, skateboards, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any sidewalk **or public street** within the downtown business district or upon any public park owned by the City of Kirksville or upon any parking lot owned by the City of Kirksville.
- (b) Persons upon roller skates, rollerblades, skateboards, or riding in or by means of any coaster, toy vehicle, or similar device shall not ride on public streets wherever sidewalks are available. ~~, except as identified in subsection (a).~~

Add subsection (d):

(d) No person shall ride on or operate motorized play vehicle upon any street, public roadway, or sidewalk within the City, or within the boundaries of any City park.

Section III. That Section 9 of Chapter 15, of the Code of Ordinances shall be amended as follows:

Repeal subsection (b), and replace with:

(b) Every driver transporting a child under the age of sixteen (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 (4) years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child.**
- (2) Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.**
- (3) Children at least four (4) years of age but less than eight (8) years of age, who also weigh at least forty (40) pounds but less than eighty (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 eighty (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.

(7) This subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen (16) years of age being transported in a motor vehicle.

Change subsection (d) to (e)

Insert a new subsection (d) as follows:

(d) 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 (4) years of age or older who are passengers on a school bus designed for carrying eleven (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.

Repeal old subsection (e)

Section IV. That Section 91 of Chapter 15, of the Code of Ordinances, be amended as follows:

Add subsection (c):

(c) No person shall operate a motorized bicycle on any highway or street in the city, unless that person has a valid license to operate a motor vehicle.

Section V. That Section 95 of Chapter 15, of the Code of Ordinances is repealed and replaced with the following:

It is unlawful for any person to operate a motor vehicle upon any street in the city unless the vehicle is validly licensed under the motor vehicle laws of Missouri or the laws of any other jurisdiction and such license is displayed in conformance with the laws of the jurisdiction in which the vehicle is licensed.

Section VI. That Section 96 of Chapter 15, of the Code of Ordinances shall be amended as follows:

Add subsection (c):

(c) If any vehicle is witnessed by a peace officer or the driver of a school bus to have violated the provisions of this section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation. In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted and court costs may be assessed against only one of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the presumption by providing the peace officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation. No prosecuting authority may bring any legal proceedings against a rental or leasing company under this section unless prior written notice of the violation has been given to that rental or leasing company by registered mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice.

Section VII. That Article IV- Vehicle License of Chapter 15 of the Code of Ordinances is repealed and declared null and void and of no effect.

Section VIII. That Article VII- Stopping, Stand and Parking of Chapter 15, be amended by adding a new Section as follows:

Immobilization of certain vehicles.

The finance director or designee (s) may authorize to be immobilized, by the use of wheel locks, any vehicle which is illegally parked, and for which there are three (3) or more outstanding, unpaid and overdue parking tickets issued by the city which tickets have remained unpaid for a period of thirty (30) days.

(a) **Once a vehicle has met the criteria for placement of a wheel lock as prescribed in this section, there shall be affixed to the vehicle a warning notice informing the owner or operator of the vehicle that said vehicle is subject to placement of a wheel lock, if all civil penalties for unpaid and overdue parking tickets are not paid within twenty-four (24) hours of the warning notice. Actual receipt of the warning notice by the owner or operator of the vehicle is not a prerequisite to the use of the procedures herein provided for.**

(b) **If a wheel lock is attached to a vehicle, a notice shall be affixed to the windshield or any part of the vehicle so as to be readily visible. The notice shall warn that the vehicle has been immobilized and that any attempt to move the vehicle will result in damage thereto. The city shall not be responsible for any damage to an immobilized vehicle resulting from unauthorized attempts to free or move the vehicle.**

(c) **An immobilization fee of fifty dollars (\$50.00) shall be charged for the removal of the wheel lock. The notice shall include the total amount of civil penalties due for the overdue, unpaid parking tickets, and the fifty-dollar immobilization fee to be charged. The notice shall also list the address and telephone number of the city offices to be contacted to pay the charges and to have the wheel lock removed.**

(d) Upon payment of all civil penalties for unpaid and overdue parking tickets, and all other applicable charges authorized by this section including immobilization, the vehicle shall be released to the owner or any other person entitled to claim possession of the vehicle.

(e) The registered owner or person entitled to possession of any vehicle which has been immobilized pursuant to this article may submit a written request for a hearing to the city manager or designee by mail within seven (7) days from the receipt of the notice. If a request for a hearing is not made within the allotted time, the right to a hearing shall have been waived. If a hearing is requested, such hearing shall be commenced within seven (7) days of receipt by the city manager or designee of the request for such hearing. Thereafter, an informal hearing will be conducted by the city manager or designee at a time and place designated by the city manager or designee.

(f) For the purpose of determining whether an illegally parked vehicle has been issued three (3) or more overdue parking tickets which have remained unpaid for a period of thirty (30) days, it shall be sufficient if the license plate number and/or the vehicle identification number (VIN) of the illegally parked vehicle and the license plate and/or VIN of the vehicle appearing on the tickets are the same.

(g) It shall be unlawful for any unauthorized person, firm or corporation to remove from any vehicle a wheel lock placed thereon pursuant to this article without all civil penalties and applicable charges having first been paid. Unauthorized removal, or damage, may subject the violator to additional criminal penalties beyond this ordinance.

Section IX. Effective Date

All of the modifications to this ordinance shall be effective from and after its date of passage.

Section X. Incorporation into the City of Kirksville Code of Ordinances

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED BY THE CITY COUNCIL OF KIRKSVILLE, MISSOURI AND SIGNED BY THE MAYOR THIS _____ DAY OF _____, 2008.

Martha Rowe, Mayor

ATTEST:

Vickie Brumbaugh, City Clerk