COUNCIL BILL NO. 2023-147 ORDINANCE NO. _____

AN ORDINANCE amending Chapter 114, Traffic, Article IX, Pedestrians.

WHEREAS, the City commissioned a pedestrian safety study, a copy of which is attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, the pedestrian safety study analyzed data from the Missouri Department of Transportation's Traffic Management System from 2018 through 2022; and

WHEREAS, the analysis found that an average of 15.2 crashes with pedestrians occur per year, including at least one fatality; and

WHEREAS, the analysis found that 71.4% of crashes occur on arterial roadways; and

WHEREAS, the City desires to amend Chapter 114, Traffic, Article IX, Pedestrians to adopt the recommendations of said pedestrian safety study.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Section 114-756. – Crossing at certain places prohibited; crossing diagonally is hereby amended by enacting a new subsection (e) as follows:

"(e) No pedestrian shall cross any roadway at any place other than a crosswalk, pedestrian-control signal, or intersection during the period from one-half hour after sunset to one-half hour before sunrise."

Section 2. That a new Section 114-762. – Rights and duties of pedestrians and motorists in arterial roadways and arterial intersections, is enacted as follows:

"Sec. 114-762. Rights and duties of pedestrians and motorists in arterial roadways and arterial intersections.

(a) The City Council finds and declares that the purpose of this Section is to:

(1) Protect pedestrians 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, high speed limits, or narrow medians that are open, improved, and in actual use for vehicular travel;

(2) Protect pedestrians and motorists from traffic hazards and potential injury which may result from distractions created by persons engaging in activities on public streets with high traffic volumes, high speed limits, or narrow medians; and

(3) Provide for the safe and expeditious flow of traffic at city intersections.

(b) Definitions. The following words, terms, and phrases, when used in this Section 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; or average traffic volumes greater than 12,000 vehicles per day on at least one roadway; and which has been designated as an arterial intersection by the Traffic Engineer. "Arterial intersection" shall include the intersection as defined in Section 114-1 and the intersecting roadways for a distance of 100 feet from the intersection.

Arterial roadway means any roadway with a speed limit of 35 miles per hour or greater, or average traffic volumes greater than 12,000 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.

(c) The traffic engineer is authorized to designate roadways as arterial roadways and intersections as arterial intersections in accordance with the criteria listed above and list them in a schedule established from time-to-time and placed on file with the City Clerk.

(d) Prohibitions.

(1) 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.

(2) No person shall be located upon a median less than eight feet wide 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.

(3) 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.

(4) 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 upon

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 herein is intended to prohibit:

a. Accepting from or distributing anything to occupants of a lawfully parked vehicle;

b. 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

c. Accepting or distributing anything to another person on a public sidewalk.

(e) Exceptions. This section shall not apply to:

(1) Any law enforcement officer acting within the scope of his or her official duties;

(2) Any person engaged in rescue activities, including providing assistance to an injured person or disabled vehicle;

(3) Any person engaged in emergency repair or maintenance of a vehicle;

(4) Public employees acting within the scope of their duties;

(5) Any person performing work in an arterial roadway pursuant to a valid permit; or

(6) Any person entering a stopped vehicle as an invited passenger where it is lawful to do so, including accessing taxicabs or public transportation."

Section 3. That the sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with an dependent upon the void section that it cannot be presumed that this Council would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and incapable of being executed in accordance with the legislative intent.

Section 4. That this Ordinance shall be in full force and effect from and after its passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2023, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney