

III. B.



DATE: May 13, 2011

TO: Planning & Public Works Committee

FROM: Brian McGownd, PWD\CE

SUBJECT: Construction/Work Zone Ordinance

Staff has prepared an ordinance for the Committee's consideration which establishes additional fines for moving traffic violations or speeding within a designated construction/work zone on any street, road or highway within the City. This ordinance will apply to all construction/work zones established by the City, St. Louis County or MoDOT.

This proposed ordinance will allow the City to issue a ticket with an associated fine of \$250 for a speeding violation within a work zone. This ordinance will also bring our Traffic Code in line with St. Louis County and other municipalities, and will help lower the speed of vehicles in work zones, protecting the workers, as well as, protecting our street and parks maintenance employees who perform work within the various rights of way on a daily basis.

If you need additional information or have any questions please advise.

cc: Mike Herring, City Administrator
Mike Geisel, Director of Planning & Public Works

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING ADDITIONAL FINES FOR MOVING TRAFFIC VIOLATIONS OR SPEEDING WITHIN A CONSTRUCTION ZONE OR WORK ZONE WITHIN THE CITY OF CHESTERFIELD

WHEREAS, it is desirable to maintain safety for workers 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 Chesterfield;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

As used in this Code, the term "construction zone" or "work zone" means the area upon or around a public right of way, highway, street, or road within the City of Chesterfield which is visibly marked by the Missouri Department of Transportation (MODOT), St. Louis County, and/or the City of Chesterfield, or a contractor working for MODOT, St. Louis County, and/or the City of Chesterfield as an area where construction, maintenance, or other work is temporarily occurring. The limits of a "construction zone" or "work zone" shall extend from the first warning sign, cone, barricade, or high intensity rotating, flashing or strobe light on a vehicle to the last warning device in place beyond where the work is occurring. The term "construction zone" or "work zone" also includes the lanes of a roadway 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.

Section 1. Compliance with Work Zone Speed Limit - The driver of a motor vehicle shall comply with all permanent and temporary traffic control devices and may not exceed a posted "construction zone" or "work zone" speed limit while traveling within a "construction zone" or "work zone".

Section 2. No Passing in Multi-lane Work Zone - The driver of a motor vehicle may not overtake or pass another motor vehicle within a "construction zone" or "work zone". This section 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 MODOT, St. Louis County, and/or the City of Chesterfield, or a contractor performing work for MODOT, St. Louis County, and/or the City of Chesterfield. Violation of this section is a class C misdemeanor.

Section 3. Increased Penalty for a Moving Traffic Violation - Upon a conviction or a plea of guilty by any person for any moving traffic violation established by the City of Chesterfield Code of Ordinances, the court shall assess a fine of thirty-five dollars (\$35.00) in addition to any other fine authorized to be imposed by law, if the offense occurred within a "construction zone" or "work zone".

Section 4. Increased Penalty for Speeding or Passing in a Work Zone - Upon a conviction or plea of guilty by any person for a speeding violation pursuant to Section 1, or a passing violation pursuant to Section 2, 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". However, no person assessed an additional fine pursuant to this section shall also be assessed an additional fine pursuant to Section 3, and no person shall be assessed an additional fine pursuant to this section if no signs have been posted pursuant to Section 5.

Section 5. *\$250 Fine Warning Sign Required* - The penalty authorized by Section 4 shall only be assessed by the court if MODOT, St. Louis County, and/or the City of Chesterfield, or a contractor performing work for MODOT, St. Louis County, and/or the City of Chesterfield has erected signs upon or around a "construction zone" or "work zone" which are clearly visible from the highway and which state substantially the following message: "Warning: \$250 fine for speeding or passing in this work zone when workers are present".

Section 6. This ordinance shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to section 302.302, RSMo.

Section 7. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2011.

Mayor

ATTEST:

City Clerk

[FIRST READING HELD: _____]