
Sponsored by: Councilmember Lucas

AN ORDINANCE AMENDING CHAPTER 385 OF THE MUNICIPAL CODE TO ESTABLISH NEW PROVISIONS REGULATING ROADWAYS DURING WEATHER EMERGENCIES

Whereas, the provisions set forth in the existing Chapter 385, "Snow Emergency Routes" need to be revised and updated to implement new procedures intended to more effectively and quickly return roadways to a safe and useable condition and thereby enhance and protect public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:

Section 1: Sections 385.010 through 385.100 of Chapter 385, "Snow Emergency Routes" of Title III of the Municipal Code of the City of O'Fallon, Missouri, are hereby repealed and a new Chapter 385 and ten new Sections, initially to be designated as Sections 385.010 through 385.100, are hereby enacted in lieu thereof to read as follows:

TITLE III. TRAFFIC CODE

CHAPTER 385: WEATHER EMERGENCIES

SECTION 385.010: PARKING DURING WINTER WEATHER EVENTS

With any winter weather event, parking on City streets becomes problematic in maintaining efficient and effective snow/ice removal operations. Parked vehicles slow snow/ice removal operations and create situations that impede street clearing operations depriving residents and the traveling public of safe and efficient travel. Similarly, emergency response will be affected. As such, the following regulations shall apply to parking on City streets during any winter weather event.

A. A Parking Prohibition on all City streets shall automatically go into effect without any formal declaration when there has been any accumulation of snow, ice, or other frozen precipitation.

B. Once in effect, a prohibition under this Chapter shall remain in effect until terminated by announcement of the Mayor or City Administrator, except, that any street which has become substantially clear of snow and ice for the length of the entire block shall be automatically excluded there from. However, nothing in this Chapter shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

SECTION 385.020: STALLED VEHICLES DURING WINTER WEATHER EMERGENCY

Whenever a vehicle becomes stalled for any reason during a Winter Weather Emergency, the person operating the vehicle shall take immediate action to have the vehicle towed or pushed off the roadway. No person shall abandon or leave his/her vehicle in the roadway regardless of whether he/she indicates by raising the hood or otherwise, that the vehicle is stalled, except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station or other place of assistance and return without delay.

SECTION 385.030: DEPOSIT OF SNOW OR ICE IN STREET OR PUBLIC WAY

No person or persons, other than persons employed or under contract by the City of O'Fallon, engaged in the removal of snow, ice or other frozen precipitation from driveways, parking lots or sidewalks shall deposit such snow, ice or other frozen precipitation in the streets or any public way for vehicular or pedestrian traffic. Nor shall any person or persons engaged in

the removal of snow or ice allow such snow, ice or other frozen precipitation to be deposited on or against any fire hydrant. One result of clearing City streets is that the windrow from the plows pushes snow/ice out to the edges of the roadway often blocking private driveway or mailbox access. Property owners and residents clearing this windrow to provide driveway and mailbox access shall only do so in a manner that does not place the snow/ice back onto the public street pavement.

SECTION 385.040: SPECIAL PROVISIONS DURING ALL TYPES OF WEATHER EMERGENCIES

For weather related emergencies of any kind, the Mayor or City Administrator may cause additional restrictions or prohibitions to traffic and parking regulations be placed into effect by making a public declaration thereof. Each declaration made by him/her pursuant to this Chapter to be publicly announced by means of the City's Internet Website and/or such other media or internet sites or systems as the Mayor or City Administrator may find appropriate from time to time, and by issuing a press release to local media with broadcasts or telecasts from a station with a normal operating range covering the City. Each announcement shall describe the action taken by the Mayor or City Administrator, including the time it became or will become effective.

SECTION 385.050: TERMINATION OF PARKING PROHIBITION OR TRAFFIC EMERGENCY

Whenever the Mayor or City Administrator shall find that some or all of the conditions which give rise to a parking prohibition emergency or other traffic restrictions in effect pursuant to this Chapter no longer exist, he/she may declare the prohibitions or emergencies terminated, in whole or in part, in a manner prescribed by this Chapter effective immediately upon announcement.

SECTION 385.060: TEMPORARY PROVISIONS TO TAKE PRECEDENCE OVER OTHER ORDINANCES -- EXCEPTIONS

Any provisions of this Chapter which becomes effective by declaration of the Mayor or City Administrator or upon the occurrence of certain weather conditions shall while temporarily in effect, take precedence over other conflicting provisions of law normally in effect; except, that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a public safety officer.

SECTION 385.070: REMOVAL, IMPOUNDING AND RETURN OF VEHICLES

A. The Police Department is hereby authorized to remove or have removed a vehicle from a street to the nearest garage, to the City's storage facility or other place of safety when:

1. The vehicle is parked on a City street while a Weather Emergency is in effect.

2. The vehicle is stalled on a part of City street on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this Chapter.

B. The removal, impounding and release of obstructing vehicles on City streets shall be by the O'Fallon Police Department in accordance with all applicable ordinances pertaining thereto.

SECTION 385.080: CITATION ON VEHICLE PARKED IN VIOLATION OF CHAPTER

Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this Chapter, and is not removed and impounded as provided for in this Chapter the

officer finding such vehicle shall take its registration number and any other applicable information affixed to such vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic citation for the driver to answer to the charge against him/her.

SECTION 385.090: INTERFERENCE WITH SNOW PLOWS

No person shall impede or interfere in any way with snow plow or other snow removal vehicle while such snow plow or other snow removal vehicle is in operation on City streets as an agent of the City.

SECTION 385.100: VIOLATION OF CHAPTER PROVISIONS

That any person, firm or corporation found to be in violation of any provision of this Chapter by parking or causing to be parked a motor vehicle on any street shall be subject to a fine of up to five hundred dollars (\$500.00) or to imprisonment for up to three (3) months in the St. Charles County Jail, or to both such fine and imprisonment, as well as to the costs incurred in towing and storing said vehicle.

Section 2: It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section, and subsection separately and independently of any other part, section and subsection. In the event that any part of this ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4: The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered

in the process of recodifying or servicing the City=s Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 5: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON, MISSOURI, THIS 24th DAY OF March, 2011.

Bill Hennessy
Presiding Officer

Attest:

Pamela L. Clement
Pamela L. Clement, City Clerk

APPROVED BY THE MAYOR FOR THE CITY OF O'FALLON, MISSOURI, THIS 24 DAY OF March, 2011.

Bill Hennessy
Mayor, Bill Hennessy

Attest:

Pamela L. Clement
Pamela L. Clement, City Clerk



Approved as to Form:

Kevin M. O'Keefe
Kevin M. O'Keefe, City Attorney