

COUNCIL BILL NO. 2007-004

ORDINANCE NO. 2007-045

AN ORDINANCE amending Chapter 114, Article VII, Motor Vehicles, Division 3, Equipment, Section 652, Metal-tired Vehicles, of the Joplin City Code, by repealing Section 114-652 of the Joplin City Code, Metal-tired Vehicles, and enacting a new Section 114-652 in lieu thereof; and, containing an emergency clause.

WHEREAS, the existing Section 114-652 prevents emergency vehicles, including police, fire, and ambulatory vehicles from using studded tires during ice, snow, or other inclement weather conditions because it prohibits all vehicles from using said equipment; and

WHEREAS, it is necessary to have emergency vehicles be equipped with studded tires or other similar apparatus so that they can function and operate in ice, snow or other inclement weather conditions.

WHEREAS, it is necessary to amend Section 114-652 so that emergency vehicles can use studded tires or similar apparatus.

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

Section 1. That Section 114-652 of the Joplin City Code, Metal-tired vehicles, is hereby repealed, and a new Section 114-652, Metal-tired vehicles, is enacted in lieu thereof, to read as follows:

"Section 114-652. Metal-tired vehicles.

(a) *Protection of street.* No metal-tired vehicle shall be operated over any of the streets or highways of the city, except over streets or highways constructed of gravel or clay bound gravel, if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt or projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the street or highway is protected by putting down solid planks or other suitable material or by attachments to the wheels so as to prevent such vehicles from damaging the street or highway, except that this prohibition shall not apply to emergency vehicles, including police, fire, ambulatory and snow removal vehicles when such apparatus is deemed necessary by the Director of Public Works or his appointee, and except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels V-shaped, diagonal or other cleats arranged in such manner as to be

continuously in contact with the road surface if the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle, does not exceed 800 pounds.

(b) *Driving over edge of street.* No tractor, tractor engine or other metal-tired vehicle weighing more than four tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement.

(c) *Liability for damages.* Any person violating this section, whether operating under a permit or not, or who shall willfully or negligently damage a street or highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle. The amount of such damage may be recovered in any action in any court of competent jurisdiction, in the name of the state, by the city or any interested party."

Section 2. That this Ordinance dealing with public health, welfare, and public safety, is an emergency within the meaning of Section 2.12(1) of the Home Rule Charter of the City of Joplin, Missouri, and, as such, shall be in full force and effect immediately from and after its adoption and approval.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 20th day of February, 2007, by a 9-0 vote.

Jon Tupper, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney