



**AGENDA
CITY OF HARRISONVILLE
PUBLIC SAFETY COMMITTEE
REGULAR MEETING
CITY HALL
MAY 6, 2013
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approve Minutes**
 - A. February 4, 2013 Minutes**
- 3. Agenda Items**
 - A. Extended Parking Agreement**
 - B. Proposed Move Over Ordinance**
- 4. General Discussion**
- 5. Adjournment**

This meeting will be open to the public.

Posted on City Hall Bulletin Board this day of

Kim Hubbard, City Clerk



TO: Public Safety Committee
FROM: Kim Hubbard, City Clerk
DATE: May 1, 2013
SUBJECT: February 4, 2013 Minutes

Type of Item: *Approval*

**PUBLIC SAFETY COMMITTEE
FEBRUARY 4, 2013
6:00 P.M.**

PRESENT- Mayor Kevin Wood, Chairman/Alderman Bret Reece, Aldermen Doug Meyer, Stacey Dahlman, and David Dickerson

OTHERS PRESENT –City Administrator Keith Moody, Alderman Morris Coburn, Fire Chief Larry Francis, Chief of Police John Hofer, Public Information Specialist Sheryl Stanley, Finance Director Mike Tholen and City Clerk Kim Hubbard

ABSENT – None

APPROVAL OF MINUTES

The meeting was called to order at 6:00 p.m. by Chair/Alderman Reece. Mayor Wood moved to approve the minutes of the January 14, 2013 meeting. Second: Alderman Meyer Motion carried.

DISCUSSION OF EXTENDED PARKING ON CITY OWNED LOTS

Chief Hofer reviewed and referenced the current ordinance and the pictures which were included the packets. Chief Hofer stated there had been a complaint regarding a camper that was parked in the lot located on Wall Street near the library. After investigating the complaint it was found there was an individual staying in the camper and the individual has moved on. Chief Hofer said he was looking for direction from the committee as this is something that has been going on for years.

There was discussion regarding having an ordinance in place but not enforcing it, the time that goes into policing such an item, if there was any long term parking permitted, that the vehicles parked in the Wall Street lot is the Grace Baptist Church vehicles and the library bookmobile.

Alderman Coburn commented that it was his understanding the Grace Baptist Church rents out the buses and vans for events. There was discussion regarding the other lots in town. There was also discussion regarding having a rental agreement for those who want to use the lots for long term use, and the possibility of splitting the usage of the lots.

Direction was given to Chief Hofer to discuss the possibilities with City Attorney Mauer and bring the item back to the committee.

POLICE DEPARTMENT ANNUAL STATS REVIEW FOR 2012

Chief Hofer reviewed the stats that were provided in the packets and reported he did not see any glaring areas of concern and that the department is doing a better job of tracking each year.

Mr. Moody stated the City had received \$18,000 from the City of Peculiar for providing animal control services and there were approximately 100 calls this year and he felt that was fair compensation.

Attachment: Feb2013Minutes (1030 : February 4, 2013 Minutes)

**PUBLIC SAFETY COMMITTEE
FEBRUARY 4, 2013
6:00 P.M.**

Chief Hofer explained when looking at response times of calls that funeral escorts are included which greatly reduces response.

There was discussion regarding the increase of property crimes and that it's everywhere.

EMERGENCY SERVICES USE AND GUIDELINES FOR THE COMMUNITY CENTER

Chief Francis reviewed the objective to allow Emergency Service Staff to work out at the Community Center while on duty. Chief Francis reviewed the draft policy he had prepared which addressed the dress code and other requirements. Chief Francis noted that there was a question on the 2012 citizen satisfaction survey regarding this and there were 76% of the respondents that were supportive of allowing this.

Mr. Moody pointed out that each staff that would want to work out at the community center would need to pay for a membership, they already workout this is just a change in place, applicable only to those departments that work 24 hour shifts, and there is no impact on the budget.

Mayor Wood suggested there be was a prescribed program, asked what would happen if they were injured while working out on city time, if there needed to, and he thought an assessment twice a year of employees who wished to participate in working out at the community center would be beneficial.

Direction was given on contacting MPR regarding workers comp and employee assessments.

Mayor Wood made the motion to approve the Standard Operating Guidelines for Emergency Services Staff to use the Community Center with the stipulation that they are evaluated twice year. The motion was seconded by Alderman Meyer. Motion carried.

GENERAL DISCUSSION

Alderman Dahlman discussed a phone call she received from a resident concerned about the curfew the city had in place. Chief Hofer stated the curfew is 11:00pm for anyone under 17.

ADJOURN

Alderman Dickerson moved to adjourn. Second: Mayor Wood. Motion carried. Meeting adjourned at 6:46 p.m.

Respectfully submitted,
Kim Hubbard

Attachment: Feb2013Minutes (1030 : February 4, 2013 Minutes)



TO: Public Safety Committee
FROM: John Hofer, Director
DATE: April 30, 2013
SUBJECT: Extended Parking Agreement

Type of Item: *Report*

At the last meeting of the Public Safety Committee an extended parking agreement was discussed in order to deal with vehicles parked overnight on City Property, more specifically those parking lots around the square. These vehicles are currently in violation of City Ordinance 350.060 by parking in one location more than 24 consecutive hours.

Please find attached the proposed extended parking license agreement. This agreement has been reviewed by City Attorney Mauer and modified to include his suggestions.

Staff believes establishing an extended parking permit is the best method to address the issue of long term parking of vehicles in city owned lots.

Please contact me at the office with any questions or concerns.

PERMIT # _____

CITY OF HARRISONVILLE
PARKING LOT LICENSE AGREEMENT

WHEREAS, the City of Harrisonville has designated certain parking lots owned by the City for long-term parking use, by permit only, pursuant to this license agreement and subject to certain rules and regulations governing the use of such parking lots; and

WHEREAS, the undersigned seeks the privilege of utilizing such long-term parking and obtaining the necessary permit;

THEREFORE, in exchange for said privilege, the undersigned agrees to pay the stipulated fee and to abide by the rules and regulations set forth herein, specifically:

1. Fees will be established annually by the Board of Alderman, said non-refundable fee for the year beginning July 1, 2013 and ending June 30, 2014 is \$_____ per year, pro-rated monthly, and shall be payable in advance.
2. Long-term parking permits shall be issued for one (1) year terms from July 1 to June 30. *UNDER NO CIRCUMSTANCES WILL PARKING FEES BE REFUNDED IN THE EVENT THE LICENSEE NO LONGER UTILIZES THE LONG-TERM PARKING LOT.* Permits are non-transferrable.
3. New permits should be obtained fifteen (15) days before the expiration of the current permit. Permits which are not renewed will be *immediately* available for issuance to others.
4. Licensees shall be issued a dated permit, which shall be placed in a vehicle so that it is prominently displayed and easily visible through the front or rear window, whichever window faces the center isle when the vehicle is parked. Failure to have a permit so displayed will constitute an unauthorized use of the parking lot and the vehicle owner may be subject to cancellation of this agreement, fines and/or towing of the vehicle.
5. Only self-propelled vehicles, which are properly licensed and registered, in operational condition, and under _____ gross vehicle weight, may be parked in the parking lot pursuant to this agreement at any time.
6. Failure to abide by parking regulations will result in cancellation of this agreement, fines and/or towing of the offending vehicle.

7. Parking privileges granted under this agreement are granted only to the extent parking is allowed in municipal lots by other City ordinances or regulations, and it is further provided that the City reserves the right to use said parking lot for special events, and the City further reserves the right to restrict parking on a temporary basis to perform any parking lot and/or City facility maintenance. Written notice will be provided to the last address provided of each licensee at least 48 hours prior, except in the case of an emergency. Failure to comply with such notice will result in the vehicle being towed at the licensee's expense.
8. The City of Harrisonville reserves the right to add to or delete parking spaces available for long-term parking, to change the location of such spaces, to change the regulations affecting long-term parking and to discontinue the program at its own discretion.
9. The City of Harrisonville shall not be liable for any accidents, damages to person, property or vehicles, or any other losses incurred by licensees or vehicle owners. Licensee shall be responsible for insuring any vehicle parked in the parking lot. No bailment, expressed or implied, is created by this agreement. The City of Harrisonville does not guard or assume any liability for licensee's vehicle or vehicle contents. Furthermore, licensee agrees to indemnify and hold the City of Harrisonville, its employees and agents harmless for any and all claims, losses, damages, attorney's fees or other expenses the City may incur arising from this agreement and licensee's use of the parking lot.
10. Each vehicle parked in the parking lot requires a separate permit. Multiple permits may be issued to a single licensee at the discretion of the Chief of Police, in which case such permits shall be subject to separate license agreements and fees.
11. This agreement is intended to create a license, only granting to the licensee the right to use the designated long-term parking lot, and shall not constitute a lease of the real property. Furthermore, no landlord-tenant relationship is intended.
12. This agreement may be terminated by the City of Harrisonville upon a 30-day notice, or immediately if a violation of this agreement occurs.

Signed: _____ Date: _____

Print: _____

Approved: _____ Date: _____

John Hofer, Chief of Police
City of Harrisonville

By signing above, I attest that I have read, understand and agree to abide by all terms and conditions of this agreement.

The City of Harrisonville must be notified in writing within 24 hours if any changes occur in the below information section.

Company Name

Last Name

First Name

M.I.

Address

Home Phone

Work Phone

Cell Phone

Year/Make/Model/Color

License Plate Number

VIN Number



TO: Public Safety Committee
FROM: John Hofer, Director
DATE: April 29, 2013
SUBJECT: Proposed Move Over Ordinance

Type of Item: *Report*

Issue: The need to add the proposed Move Over Ordinance that mirrors RSMo 304.022.

Background: After a recent close call with one of our officers this proposed ordinance comes forward. Missouri law (section 304.022) requires that drivers-on roads with two or more lanes in each direction-upon approaching a stopped emergency vehicle with flashing lights shall move over into a lane away from the emergency vehicle. The exception is where changing lanes is unsafe or impossible; then the driver must slow down to allow for safe passage. I have attached a copy of the proposed City Ordinance along with the current State Law for your review. Having this ordinance allows us the opportunity to keep these charges in municipal court rather than state court. Please feel free to contact me at the office if you have any questions, concerns, or need additional information.

Recommendation: It is staff's recommendation for approval of this proposed ordinance to have an ordinance that is current with State Law.

RIGHT-OF-WAY OF AUTHORIZED EMERGENCY VEHICLES

A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 307.175, RSMo., the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the roadway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a Police or Traffic Officer.

B. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:

1. Proceed with caution and yield the right-of-way, if possible, with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

C. An "*emergency vehicle*" is a vehicle of any of the following types:

1. A vehicle operated by a municipal Law Enforcement Officer; an officer of the State Highway Patrol, State Water Patrol or a State Park Ranger; Enforcement Personnel of the Division of Motor Carrier and Railroad Safety of the Missouri Department of Economic Development; a Fire Department, a Sheriff, Constable or Deputy Sheriff; a Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States; a Traffic Officer or Coroner; or a privately owned emergency vehicle company;
2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;
3. Any vehicle qualifying as an emergency vehicle pursuant to Section 307.175, RSMo.;
4. Any wrecker or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;
5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;

7. Any vehicle operated by an authorized employee of the Missouri Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual-aid call from another criminal justice agency or in accompanying an ambulance which is transporting an offender to a medical facility;

8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

D. The driver of any emergency vehicle referred to in Subsection (C) of this Section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator or when responding to, but not upon returning from, a fire.

E. The driver of an emergency vehicle may:

1. Park or stand irrespective of the provisions of Chapter 300 City of Harrisonville Traffic Code as amended;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the prima facie speed limit so long as the driver does not endanger life or property;
4. Disregard regulations governing direction of movement or turning in specified directions.

F. The exemptions herein granted to an emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

G. No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

H. Any person violating the provisions of this Section shall be guilty of a misdemeanor.

Missouri Revised Statutes

Chapter 304 Traffic Regulations Section 304.022

August 28, 2012

Emergency vehicle defined--use of lights and sirens--right-of-way--stationary vehicles, procedure--penalty.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, or a stationary vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol*, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or coroner or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

Attachment: Section 304-022 Emergency vehicle defined--use of light (1023 : Proposed Move Over Ordinance)

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550; or

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

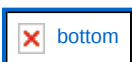
7. Violation of this section shall be deemed a class A misdemeanor.

(L. 1953 p. 587 § 304.020, A.L. 1969 p. 418, A.L. 1971 H.B. 113, A.L. 1981 H.B. 183, A.L. 1986 S.B. 523 merged with H.B. 1428, A.L. 1991 S.B. 265, A.L. 1995 H.B. 424, A.L. 1996 H.B. 1047 merged with H.B. 1369, A.L. 1997 H.B. 244, A.L. 2002 H.B. 1270 and H.B. 2032, A.L. 2004 S.B. 757 merged with S.B. 788, A.L. 2005 H.B. 353 merged with H.B. 487 merged with H.B. 618, A.L. 2006 S.B. 872, et al., A.L. 2007 S.B. 82 merged with S.B. 352, A.L. 2012 S.B. 470 merged with S.B. 568 merged with S.B. 611)

**"State water patrol" changed to "water patrol division" by 306.010, 2010.

(2006) Section does not abolish, abrogate, provide, or in any way modify common law doctrine of official immunity. Davis v. Lambert-St. Louis International Airport, 193 S.W.3d 760 (Mo.banc).

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