

## Legislation Text

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**File #:** BILL NO. 17-13, **Version:** 2

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AN ORDINANCE AMENDING CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, OF THE LEE'S SUMMIT CODE OF ORDINANCES, BY REPEALING, ARTICLE I. - IN GENERAL, SECTIONS 29-1 DEFINITIONS, 29-7 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS, ARTICLE III. - OPERATION OF VEHICLES, SECTIONS 29-141 DEFINITIONS, 29-142 DRIVING WHILE INTOXICATED, 29-143 DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT, 29-144 IMPLIED CONSENT TO TESTS FOR ALCOHOL AND DRUGS, 29-150 CHEMICAL TESTS, RESULTS ADMITTED INTO EVIDENCE, WHEN, EFFECT OF AND ARTICLE X. - CRASHES, SECTION 29-656 LEAVING THE SCENE OF A MOTOR VEHICLE CRASH; AND ENACTING IN LIEU THEREOF EIGHT NEW SECTIONS OF LIKE NUMBER AND SUBJECT, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO REVISE THE PROVISIONS RELATING TO THE TRAFFIC AND MOTOR VEHICLES IN ACCORDANCE WITH REVISIONS TO STATE LAW. (PSAB 12/20/16)

### Key Issues:

Due to a recent overhaul to the Missouri State Criminal Code, the following City Ordinances will no longer be substantially similar to their state counterparts without amendment: 29-1, Definitions; 29-7, Obedience to police and fire department officials; 29-141, Definitions; 29-142 Driving while Intoxicated; 29-143 Driving with Excessive Blood Alcohol Content; 29-144, implied consent to tests for alcohol and drugs; 29-150, chemical tests, results admitted into evidence, when, effect of; 29-656, leaving the scene of a motor vehicle crash. In order to create compliance and similarity to State law, City staff requests adoption of an ordinance to amend these sections to the Code of Ordinances of Lee's Summit, Missouri.

### Proposed City Council Motion:

FIRST MOTION: I move for second reading of AN ORDINANCE AMENDING CHAPTER 29 CODE OF ORDINANCES, BY REPEALING, ARTICLE I, SECTIONS 29-1 DEFINITIONS, 29-7 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS, ARTICLE III, SECTIONS 29-141 DEFINITIONS, 29-142 DRIVING WHILE INTOXICATED, 29-143 DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT, 29-144 IMPLIED CONSENT TO TESTS FOR ALCOHOL AND DRUGS, 29-150 CHEMICAL TESTS, RESULTS ADMITTED INTO EVIDENCE, WHEN, EFFECT OF AND ARTICLE X SECTION 29-656 LEAVING THE SCENE OF A MOTOR VEHICLE CRASH; AND ENACTING IN LIEU THEREOF EIGHT NEW SECTIONS OF LIKE NUMBER AND SUBJECT, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO REVISE THE PROVISIONS RELATING TO THE TRAFFIC AND MOTOR VEHICLES IN ACCORDANCE WITH REVISIONS TO STATE LAW.

SECOND MOTION: I move for adoption of AN ORDINANCE AMENDING CHAPTER 29 CODE OF ORDINANCES, BY REPEALING, ARTICLE I, SECTIONS 29-1 DEFINITIONS, 29-7 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS, ARTICLE III, SECTIONS 29-141 DEFINITIONS, 29-142 DRIVING WHILE INTOXICATED, 29-143 DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT, 29-144 IMPLIED CONSENT TO TESTS FOR ALCOHOL AND DRUGS, 29-150 CHEMICAL TESTS, RESULTS ADMITTED INTO EVIDENCE, WHEN, EFFECT OF AND ARTICLE X SECTION 29-656 LEAVING THE SCENE OF A MOTOR VEHICLE CRASH; AND ENACTING IN LIEU THEREOF EIGHT NEW SECTIONS OF LIKE NUMBER AND SUBJECT, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI

TO REVISE THE PROVISIONS RELATING TO THE TRAFFIC AND MOTOR VEHICLES IN ACCORDANCE WITH REVISIONS TO STATE LAW.

Background:

The State of Missouri passed a bill completely revising the Missouri Criminal Code marking the first comprehensive overhaul to the criminal laws since the 1970s. The Revised Criminal Code comes into effect on January 1, 2017. As part of the revisions, changes were made to some state laws regarding traffic and motor vehicles. Chapter 29 of the Code of Ordinances of the City of Lee's Summit regulates traffic and motor vehicles within the City of Lee's Summit and provisions within it have been substantially similar to state law. Certain changes recently made to the State Criminal Code result in differences in wording between the new State Codes and the existing City Ordinances. City staff members, including city attorneys, city prosecutors and city police staff collaborated to discuss the differences and recommend the following amendments. Therefore, in order to avoid conflicts or confusion within the law and to enhance efficient administration, regulation and enforcement of the traffic laws within the city, it is necessary to amend these particular City Ordinances within Chapter 29 to bring them into compliance with the new State code changes.

Impact/Analysis:

The majority of the changes to the Missouri Criminal Code involve renaming, renumbering, and consolidating crimes into new sections or categories. These changes do not have a direct impact on city ordinances. Changes that will impact city ordinances include replacing the word "crime" with "offense" and clarifying definitions or elements of certain crimes or offenses that are also in the Lee's Summit Code of Ordinances. There are no changes to the penalty provisions of the City ordinances. Punishment for an offense will remain the same.

Timeline:

Other Information/Unique Characteristics:

When reading the compared version, words that are added are underlined and words that are deleted have a strike through. Different colors within the text can be ignored, the program changed colors at times and we were unable to unify the colors.

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Recommendation: Staff recommends approval of AN ORDINANCE AMENDING CHAPTER 29 CODE OF ORDINANCES, BY REPEALING, ARTICLE I, SECTIONS 29-1 DEFINITIONS, 29-7 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS, ARTICLE III, SECTIONS 29-141 DEFINITIONS, 29-142 DRIVING WHILE INTOXICATED, 29-143 DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT, 29-144 IMPLIED CONSENT TO TESTS FOR ALCOHOL AND DRUGS, 29-150 CHEMICAL TESTS, RESULTS ADMITTED INTO EVIDENCE, WHEN, EFFECT OF AND ARTICLE X SECTION 29-656 LEAVING THE SCENE OF A MOTOR VEHICLE CRASH; AND ENACTING IN LIEU THEREOF EIGHT NEW SECTIONS OF LIKE NUMBER AND SUBJECT, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO REVISE THE PROVISIONS RELATING TO THE TRAFFIC AND MOTOR VEHICLES IN ACCORDANCE WITH REVISIONS TO STATE LAW.

Committee Recommendation: The Public Safety Advisory Board (PSAB) reviewed the proposed changes on December 20, 2016 and recommends approval of the proposed ordinance.