

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 140433, AS AMENDED

Amending Chapter 50, Code of Ordinances, dealing with Offenses and Miscellaneous Provisions, by repealing Sections 50-157, 50-158, 50-161, and 50-164, and enacting new Sections 50-157, 50-161, and 50-164 adding references to streetcars or streetcar stops.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 50-157, Conduct on buses, and at bus stops, 50-158, Soliciting passengers, freight or baggage, 50-161, Loitering, and 50-164, Disorderly conduct, and enacting in lieu thereof new Sections 50-157, 50-161, and 50-164 of like subject matters adding regulations related to streetcars as follows:

Sec. 50-157. Conduct on buses, streetcars, and at bus or streetcar stops.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Bus* means a motor vehicle, designed and constructed for the general transportation of passengers for hire and possessing a manufacturer's rated seating capacity for a driver and eight or more passengers, but not to include a bus or coach utilized exclusively to transport children to and from schools.
- (2) *Bus transportation company* and *company* mean any person, group of persons or corporation providing for-hire transport to passengers by bus upon the streets of the city, but not to include a company utilizing buses transporting children to and from school. This term shall also include bus transportation facilities owned or operated by local public bodies, municipalities and public corporations.
- (3) *Charter* means a group of persons who, pursuant to a common purpose and under a single contract, and at a fixed charge for the vehicle in accordance with bus transportation company's tariff, have acquired the exclusive use of a bus to travel together as a group to a specified destination.
- (4) *Motorman* means a person who propels, drives, operates or who is in charge of a streetcar vehicle.
- (5) *Passenger* means any person served by a bus transportation company or streetcar operator.

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- (6) *Terminal* means a bus stop or shelter or any facility operated or served by a bus transportation company, including a reasonable area immediately adjacent to any designated stop along the route traveled by any bus operated by a bus transportation company, and parking areas provided by a bus transportation company adjacent to a terminal.
 - (7) *Streetcar* or *streetcar vehicle* means an electrically driven rail transit vehicle designed for local public transportation that runs on rails let into the surface of the road and that is usually powered by electricity received from an overhead wire.
 - (8) *Streetcar Authority* means any person or entity contracting with the City to oversee and administer the management and operations of any streetcar system.
 - (9) *Streetcar Operator* means the professional transportation company hired by the City or Streetcar Authority pursuant to a contract to manage and operate any streetcar system.
 - (10) *Streetcar service line* means any rail, track, appurtenance, or facility located within a public right-of-way that is authorized by the City to be used for streetcars.
 - (11) *Streetcar stop* or *station* means a designated stop or shelter or any facility operated for a streetcar service line or served by a Streetcar Operator, including a reasonable area immediately adjacent to any designated stop along the route traveled by any streetcar operated by a Streetcar Operator, and parking areas provided by a Streetcar Operator adjacent to a station.
- (b) It shall be unlawful for any person to:
- (1) Seize or exercise control of a bus or streetcar by force or violence or threat of force or violence;
 - (2) Intimidate, threaten to or commit assault or battery, with or without the employment of a dangerous or deadly weapon, toward any driver, motorman, road supervisor or guard of a bus or streetcar so as to interfere with the performance of duties by such person; or
 - (3) Board a bus or streetcar with a dangerous or deadly weapon concealed upon his person or effects. The provisions of this subsection shall not apply to duly authorized law enforcement officers or commercial security personnel who are in possession of weapons used within the course and scope of their employment, or where otherwise excepted by law.

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(c) It shall be unlawful for any person to hurl any missile at, into or upon any bus or streetcar, terminal, station or other transportation facility.

(d) It shall be unlawful, while on a bus or streetcar, in a terminal or station or on property contiguous thereto, for any person to:

- (1) Use any language that is calculated to provoke an immediate, violent breach of the peace;
- (2) Be unlawfully under the influence of a controlled substance or to ingest or have in his possession any controlled substance unless properly prescribed by a physician or medical facility, or to drink intoxicating liquor of any kind in or upon any streetcar or bus except a chartered bus; or
- (3) Fail to obey a reasonable request or order of a bus driver or streetcar motorman or any duly authorized company representative.

If any person shall violate any provision of this subsection (d), the bus driver or streetcar motorman may stop it at the place where the offense is committed, or at the next regular or convenient stopping place for the bus or station, and require the person to leave the bus or streetcar.

(e) It shall be unlawful for any person, while in or upon any bus or streetcar while the bus or streetcar is operated in common carrier passenger service upon the streets or public ways of the city, to:

- (1) Engage in smoking, as defined in Section 34-472 of this Code, or to use any device which simulates smoking such as an electronic cigarette, cigar or pipe, personal vaporizer or electronic nicotine delivery system;
- (2) Consume food or drink;
- (3) Spit or expectorate upon the floor, steps or sides of the bus or streetcar;
- (4) Discard litter;
- (5) Play any radio, portable music device or player or other such instrument, except where the instrument is connected to an earphone that limits the sound to the individual user;
- (6) Carry any flammable liquids, explosives, acids or other dangerous articles, live animals, birds or reptiles, except for guide, hearing or service dogs, as permitted under RSMo 209.150(4), and small animals properly confined; or
- (7) Refuse or fail to pay the established fare.

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(f) It shall be unlawful for any person to attempt to obtain transportation on a bus or streetcar operated by a bus transportation company or streetcar operator by displaying to the bus driver or streetcar motorman an invalid pass, discount fare card or token or by displaying a valid pass or discount fare card issued to another person. The bus driver, the streetcar motorman, a road supervisor or other official representative of the bus transportation company or streetcar operator shall have the right to inspect and to exchange any pass, discount fare card or token presented by any person with the intent to obtain transportation. If any person shall fail to present such pass, discount fare card or token for inspection at the request of any such representative of the company, the bus driver or streetcar motorman may require the person to pay the full fare or to leave the bus or streetcar. If the bus driver, streetcar motorman, road supervisor or other official representative of the company or streetcar operator shall determine that the pass, discount fare card or token is invalid or has been issued to a person other than the one attempting to use it to obtain transportation, he may refuse to return it to the person and require him or her to pay the full fare or to leave the bus or streetcar.

Sec. 50-161. Loitering.

(a) It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or in concert with others in a public place in such manner so as to:

- (1) Obstruct any public street, streetcar service line, public highway or public sidewalk or any other public place or building by hindering or impeding the free and uninterrupted passage of vehicles, traffic or pedestrians.
- (2) Commit in or upon any public street, streetcar service line, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

(b) When any person causes or commits any of the conditions enumerated in subsection (a) of this section, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.


Sec. 50-164. Disorderly conduct.

Any person who, with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned, commits any of the following acts shall be deemed to have committed the offense of disorderly conduct:

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- (1) Uses offensive, disorderly, threatening, abusive or insulting language, conduct or behavior.
- (2) Acts in such a manner as to annoy, disturb, interfere with, obstruct or be offensive to others or to any lawful assemblage.
- (3) Shouts or makes a noise either outside or inside a building during the nighttime to the annoyance or disturbance of any considerable number of persons.
- (4) Causes a disturbance in any railroad car, streetcar, bus or other public conveyance by running through it, climbing through windows or upon the seats, or otherwise annoying passengers or employees therein.
- (5) Wanders, prowls or loiters upon the private property of another and peeks or peers in the door or window of any building or structure located thereon, without any visible or lawful business with the owners or occupants thereof.

Approved as to form and legality:


Nelson V. Muñoz
Assistant City Attorney



Authenticated as Passed


Sly James, Mayor


Marilyn Sanders, City Clerk

JUL 10 2014

Date Passed