Bill No. 2009-05-02

ORDINANCE NO. 205a

AN ORDINANCE OF THE CITY OF FOLEY, MISSOURI, TO ADD A NEW SECTION 76.180 TO THE FOLEY CITY CODE TO PROHIBIT THE OPERATION OF MOTOR VEHICLES WITH CERTAIN VISION-REDUCING MATERIAL APPLIED TO WINDSHIELDS OR WINDOWS SUBJECT TO SPECIFIED EXCEPTIONS.

WHEREAS, the operation of motor vehicles upon the streets, alleys, and roadways of the City of Foley, Missouri with vision-reducing material applied to the motor vehicle's windshield or other windows creates dangerous driving conditions; and

WHEREAS, the operation of motor vehicles upon the streets, alleys, and roadways of the City of Foley, Missouri with vision-reducing material applied to the motor vehicle's windshield or other windows creates dangerous conditions for law enforcement or other emergency services personnel who stop or approach such vehicles; and

WHEREAS, RSMo. §307.173 allows for the regulation and prohibition of motor vehicles with any manufactured vision-reducing material applied to the motor vehicle's windshield or other windows subject to certain specified exceptions;

NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FOLEY, MISSOURI AS FOLLOWS:

SECTION 1. The Foley City Code is amended to add a new Section 76.180 as follows:

"§76.180. CERTAIN VISION-REDUCING MATERIAL APPLIED TO WINDSHIELD OR WINDOWS WITHOUT PERMIT PROHIBITED.

1. No person shall operate any motor vehicle upon the streets, alleys, or roadways of the City of Foley, Missouri with any vision-reducing material applied to any portion of the motor vehicle's windshield.

2. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus or minus three percent.

3. No person may operate a motor vehicle within the City limits that has any sun screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of Foley Code §76.180.2, without a permit issued by the Missouri Department of Public Safety to that operator or that operator's relative within the second degree by consanguinity or affinity. For purposes of this section, "second degree by consanguinity or affinity" shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child, and grandchild of a person, who resides in the household.

4. Notwithstanding anything to the contrary, this section does not prohibit:

   a. Factory installed tinted glass, the equivalent replacement thereof, or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

   b. Labels, stickers, decalcomania, or informational signs on motor vehicles, ; provided that such material does not interfere with the driver's normal view of the road.

   c. The application of tinted or solar screening material to recreational vehicles as defined in section RSMo. §700.010; provided that such material does not interfere with the driver's normal view of the road.

5. Notwithstanding anything to the contrary, this section does not apply to:

   a. Any vehicle licensed with a historical license plate.

   b. Law enforcement or fire emergency vehicles.

SECTION 2. SEVERABILITY.

The provisions of this Ordinance shall be severable. In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this Ordinance are valid unless the Court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION 3: EFFECTIVE UPON PASSAGE

This ordinance shall be in full force and effect from and after the date of its passage.

SECTION 4: INCORPORATION INTO THE MUNICIPAL CODE

The City Clerk shall incorporate the terms of this Ordinance into the official City of Foley Municipal Code with all due dispatch.

Read two times and passed this ____ day of _____, 2009.

Mayor Bill Thornhill

Attest:
City Clerk

Approved as to form:

City Attorney

CITY OF FOLEY
SEAL
ALABAMA