

AN ORDINANCE AMENDING TITLE III OF THE WRIGHT CITY MUNICIPAL CODE PERTAINING TO ALL-TERRAIN VEHICLES, GOLF CARTS, UTILITY VEHICLES, RECREATIONAL OFF-HIGHWAY VEHICLES.

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

SECTION I. The Board of Aldermen hereby amends Title III of Chapter 340 of the Wright City Municipal Code to repeal Section 340.120 in its entirety and replace it with Sections 340.120, 340.122, 340.125, 340.127 and 340.128, to read as follows:

Section 340.120 All-Terrain Vehicles — Prohibited — Exceptions — Operation Under an Exception — Prohibited Uses — Penalty.

- A. No person shall operate an all-terrain vehicle, as defined in Section 300.010, upon the streets and highways of this City, except as follows:
 - 1. All-terrain vehicles owned and operated by a governmental entity for official use; or
 - 2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.

- B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this City, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

- C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid license issued by a State authorizing such person to operate a motor vehicle but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty (30) miles per hour or the posted speed limit, whichever is lower. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be DayGlo™ in color.

- D. No person shall operate an all-terrain vehicle:
 - 1. In any careless way so as to endanger the person or property of another;

2. While under the influence of alcohol or any controlled substance; or
 3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.
- E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. (RSMo. §300.348, 304.013)

Section 340.122 Utility Vehicles, Operation on Highway and in Streams or Rivers Prohibited — Exceptions — Passengers Prohibited — Violations, Penalty.

- A. No person shall operate a utility vehicle, as defined in Section 300.010 of this Title, upon the highways of this City or State, except as follows:
1. Utility vehicles owned and operated by a governmental entity for official use;
 2. Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting;
 3. Utility vehicles operated by handicapped persons for short distances occasionally only on the State's secondary roads when operated between the hours of sunrise and sunset; or
 4. By special permit of the City issued pursuant to the permit requirements of Section 340.128.
- B. No person shall operate a utility vehicle within any stream or river in this City or State, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this City or State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
- C. A person operating a utility vehicle on a highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under Subsection (A)(3) of this Section shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than forty-five (45) miles per hour or the posted speed limit, whichever is lower.
- D. No persons shall operate a utility vehicle:
1. In any careless way so as to endanger the person or property of another; or

2. While under the influence of alcohol or any controlled substance.
- E. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this Subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one (1) person.
- F. A violation of this Section shall be an ordinance violation. (RSMo. §304.032)

Section 340.125 Golf Carts, Operation on Streets and Roads — Classification as Low-Speed Vehicles — Violations, Penalty.

- A. Classification. A golf cart which may be operated on the streets, roads and alleyways of the City shall be classified as a low-speed vehicle (LSV).
1. The following must appear on the manufactured statement of origin (MSO):
 - a. The body type must be specified as a low-speed vehicle.
 - b. There must be a statement indicating that the LSV meets or exceeds the minimal Federal safety requirements.
 2. All golf carts classified as low-speed vehicles shall be manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles. Golf carts operated on City streets shall conform to safety standards as outlined in 49 CFR 571.500b.
- B. Before a person operates a golf cart on City streets, roads or alleyways, a special permit must be issued by the City for the vehicle to licensed drivers pursuant to the permit requirements of Section 340.128 and the following:
1. The golf cart shall be currently registered and licensed pursuant to City ordinances and state law.
 2. Any individual operating a golf cart shall have a valid operator's or chauffeur's license but is not required to pass an examination for the operation of a motorcycle.
 3. The golf cart shall be properly insured, and such proof of insurance shall specifically list the vehicle as referenced by the serial number and year of model.
 4. The golf cart shall be operated at a speed of less than twenty (20) miles per hour pursuant to Section 304.034, RSMo.
 5. The golf cart shall be operated only on streets with a posted speed limit of twenty-five (25) miles per hour or less.
 6. The golf cart shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle; the flag shall be day-glow colored and shall be triangular shaped, with an area not less than thirty (30) square inches.
- C. No individual operating a golf cart shall:

1. Operate the golf cart in any careless or imprudent manner so as to endanger any person or property of any person.
2. Operate the golf cart while under the influence of alcohol or controlled substance.
3. Operate the golf cart between the hours of official sunset and sunrise, unless the golf cart is properly equipped with headlights, taillights, brake lights and turn signals.
4. Operate the golf cart on any Federal, State or County highways, except to cross.
5. Cross any Federal or State highway at an intersection where the highway being crossed has a posted speed limit of more than forty-five (45) miles per hour.

D. A violation of this Section shall be an ordinance violation. (RSMo. §304.034)

Section 340.127 Recreational Off-Highway Vehicles, Operation on Highways Prohibited, Exceptions — Operation within Streams and Rivers Prohibited, Exceptions — License Required for Operation, Exception.

- A. No person shall operate a recreational off-highway vehicle, as defined in Section 300.010 of this Code, upon the highways of this City, except as follows:
1. Recreational off-highway vehicles owned and operated by a governmental entity for official use;
 2. Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;
 3. Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the State's secondary roads; or
 4. Pursuant to a special permit issued by the City for the vehicle pursuant to the permit requirements of Section 340.128.
- B. No person shall operate a recreational off-highway vehicle within any stream or river in this State, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
- C. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to Subsection (A)(3) of this Section but shall not be required to have passed an examination for the operation of a motorcycle.
- D. An individual shall not operate a recreational off-highway vehicle upon a highway in this City without:
1. Displaying a lighted headlamp and a lighted tail lamp; and,

2. Wearing a seat belt; and,
3. Having the recreational off-highway vehicle equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover. (RSMo. §304.033)

Section 340.128 Special Permits; Golf Carts, Utility Vehicles, Recreational Off-Highway Vehicles

- A. *Permit Required.* The City will issue permits only for golf cart, utility vehicle, or recreational off-highway vehicle (hereinafter, “Non-standard Motor Vehicles” or “NMV”) to be operated upon or across a public street, avenue, or roadway in the City. No person shall drive or operate a Non-standard Motor Vehicle upon or across a public street, avenue, or roadway in the City unless the owner of the NMV has been issued a special permit as hereinafter provided. Off-road or other motor vehicles not designed for travel on highways which are not eligible for permits under this Section shall not be driven upon or across a public street, avenue, or roadway in the City.
- B. *Permit Application.* For each Non-standard Motor Vehicle sought to be permitted to operate on any public street, avenue or roadway within the City, the owner of the NMV shall first make application with the City Clerk in writing upon forms furnished by the City and shall include, but not be limited to, the following information and documentation:
 1. Name and address of owner of the NMV; and
 2. Description and serial number of the NMV; and
 3. An official State identification card (e.g., driver’s license, passport or government issued ID card to be carried at all times while operating the NMV); and
 4. Proof of insurance for the NMV (referenced by the serial number and year of model).
 5. Proof of payment of registration and payment of all fees and taxes related to the NMV.
 6. Owner must be current on all City taxes and user fees.
- C. *Permit Fee.* Pursuant to state law, a fee for the special permit is \$15.00 (RSMo. §§304.032-033) plus a City sticker and inspection fee of \$10.00.
- D. *Annual Permit.* Each permit issued hereunder shall be for a period not to exceed one (1) year and may be renewed annually. Permits expire December 31 of each year. Notwithstanding anything herein to the contrary, permits issued prior to January 1, 2022, shall be valid until December 31, 2022.
- E. *Display of Permit.* The permit shall be evidenced by a City-issued decal, serially numbered (“City Sticker”), and capable of being affixed to the Non-standard Motor Vehicle and which shall be prominently displayed on the rear of the vehicle. Failure to display a City Sticker is a violation of this Section.
- F. *Age of Driver.* Except as provided elsewhere, any individual driving a NMV on City streets shall be at least sixteen (16) years old and have with them a valid operator's or chauffeur's license.

- G. *Non-standard Motor Vehicle Requirements.* Any NMV for which a permit is desired shall have operational mufflers, exhaust pipes, reflectors, either single or dual seal beam headlight system, turn-signals (golf carts only), taillights, and either a DayGlo™ triangular flag (located at least seven (7) feet above the ground) or a slow-moving vehicle triangle. Furthermore, a person may not:
1. Operate an NMV that is not equipped at all times with an effective and suitable muffling device on its engine to effectively deaden or muffle the noise of the exhaust, or
 2. Operate or modify an NMV with an exhaust system that has been modified in any manner that will increase the noise emitted above 96 decibels of sound pressure when measured from a distance of 20 inches using test procedures established by the Police Department.
- H. *Compliance with Traffic Laws; Financial Responsibility.* Operators of all vehicles using the City's streets, avenues, or roadways pursuant to a special permit issued hereunder shall comply with all traffic laws contained in Title III, Traffic Code, of the Wright City Municipal Code including, but not limited to, having a valid Missouri driver's license, maintaining proof of financial responsibility in accordance with Section 303.160 RSMo and Section 385.140 of the Wright City Traffic Code or maintaining any other insurance policy providing equivalent liability coverage for the Non-standard Motor Vehicle, as well as all alcohol-related traffic laws.
- I. *Revocation of Permit.* The City Clerk may revoke a permit for a Non-standard Motor Vehicle if an operator of the Non-standard Motor Vehicle admits to, pleads guilty to, or is convicted of violating the provisions of this Article or any traffic laws of the City or State. The person whose permit was revoked may appeal such revocation order to the Board of Aldermen by giving written notice of the appeal to the City Clerk within ten (10) days of the revocation order. The Board of Aldermen may, on hearing, affirm or overturn the revocation of any permit issued under the provisions of this Chapter for good cause shown, first having given such permit holder not less than ten (10) days' notice of the hearing in writing. Provided that said permit holder shall have full right to be represented by counsel at the hearing and may produce witnesses and evidence in his/her behalf at such hearing. Provided further, that such notice of revocation hearing shall be given to the permit holder at the address listed on their application for appeal.

SECTION II. This ordinance shall take effect and be in full force from and after the passage and approval thereof.

READ TWO TIMES BY TITLE AND PASSED by the Board of Aldermen of the City of Wright City, Missouri, this ___ day of _____, 2021.

President of the Board of Aldermen

ATTEST:

City Clerk

APPROVED BY THE MAYOR of the City of Wright City, Missouri, this ____ day of _____, 2021.

Mayor

ATTEST:

City Clerk