BILL 2015-40

****** First Reading ******

AGENDA ITEM

TO: Mayor and City Council

FROM: Police Chief Rick Bashor

DATE: October 8, 2015

RE: **ATVs, Utility Vehicles, and Golf Carts**

Issue:
The current City of Cameron Code prohibits the use of ATVs on the city streets and makes no provision for utility vehicles or golf carts.

Background:
Members of the public have expressed a desire to allow ATVs, utility vehicles and golf carts within the city limits. We have looked at the State Statutes and codes of some of our neighboring communities which have already made this change and have developed an Ordinance to allow these types of vehicles with certain restrictions and provided for a permitting process for same.

Action:
Staff recommends review, discussion and approval of the Ordinance attached.

Bill 2015-40

AN ORDINANCE OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, AMENDING SECTION 7-1 OF ARTICLE I – IN GENERAL, AND SECTION 7-340.1 OF ARTICLE XI, MISCELLANEOUS DRIVING RULES, AND CREATING NEW SECTIONS IN ARTICLE XI, MISCELLANEOUS DRIVING RULES, ALL IN CHAPTER 7 – MOTOR VEHICLES AND TRAFFIC OF THE CITY OF CAMERON CODE TO ALLOW THE USE OF ALL-TERRAIN VEHICLES (ATVs), UTILITY VEHICLES AND GOLF CARTS ACCESS TO STREETS AND HIGHWAYS WITHIN THE CITY OF CAMERON

First Reading

WHEREAS, in the past, the City of Cameron has prohibited the use of all-terrain vehicles (ATVs) on the streets and highways within the city limits of Cameron; and

WHEREAS, the citizens of Cameron have expressed a desire to allow certain vehicles, such as ATVs, utility vehicles and golf carts, use of the roadways within the city limits as allowed by Missouri State Statutes; and

WHEREAS, the Cameron Police Department now requests to update the City of Cameron Code to amend and create sections to provide regulations and permit fees to allow access to streets and highways within the city limits of Cameron by ATVs, utility vehicles, and golf carts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AS FOLLOWS:

Section 1. The Mayor and City Council are hereby authorized to amend Section 7-1, Definitions, of Article I, In General, of Chapter 7, Motor Vehicles and Traffic by adding the following definitions:

> *All-terrain vehicle* means any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more non-highway tires.
>
> *Utility vehicle* means any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes.

Section 2. The Mayor and City Council are hereby authorized to amend Section 7-340.1, All-terrain vehicles; use prohibited; penalty and to create new sections as follows:

Sec. 7-340.1 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 7-1, 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;
2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.
3. All-terrain vehicles whose operators carry a special permit issued by the City. The City Clerk shall prepare an application form for the special permit and charge a fee of fifteen dollars ($15) for a one-year permit.

(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. 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 dayglow in color.

(d) No person shall operate an off-road vehicle on any park lands of the City of Cameron, Missouri, except those operated by a governmental unit for official use.

(e) No person shall operate an off-road vehicle at any time without a lighted headlight and lighted tail lamp which must be lit and in operation at all times of said operation of off-road vehicle.

(f) 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

First Reading

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,
4. On an interstate highway within the city limits.
5. In a manner which disturbs the public peace as detailed in Sec. 8-36 of the City of Cameron Code.

(g) No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

Sec. 7-340.2 Permits and registration.

(a) The City Clerk shall hereby be designated as the City Official with the authority to issue special use permits for all-terrain vehicles on a form prescribed and approved by the City Clerk and City Manager within the City and a fifteen dollar ($15.00) fee shall be collected by the official upon issuance of the permit. No permit shall be issued until the fee is paid. Within five (5) days after the receipt of said fees, the official shall deposit the fees in the General Fund of the City. The permit shall be valid for one year.

(b) No person shall operate an off-road vehicle until and unless it has been registered with the City Clerk and to register it they must also provide proof of financial responsibility covering the operation of any all-terrain vehicles on public roads with minimal insurance amounts as set forth in Chapter 303, RSMo.

(c) No operator shall operate and get a permit until they produce proof of registration of said all-terrain vehicle with the State of Missouri by offering a certificate of registration and displaying on the all- terrain vehicle the registration decal.

Sec. 7-340.3 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 7-1 of this Chapter, 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;
4. The City may issue special permits for utility vehicles to be used on highways within the City limits by licensed drivers. Fees of fifteen dollars ($15.00) for an annual permit may be collected and retained by the City for such permits.

First Reading

(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 Subparagraph (3) of Subsection (a) 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.

(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.
3. On an interstate highway within the city limits.
4. No person shall operate an off-road vehicle on any park lands of the City of Cameron, Missouri, except those operated by a governmental unit for official use.
5. In a manner which disturbs the public peace as detailed in Sec. 8-36 of the City of Cameron Code.

(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.

Sec. 7-340.4 Utility vehicles.

(a) Requirements for operating a utility vehicle within the City:

1. Any individual operating a utility vehicle shall have a valid operator's or chauffeur's license, but is not required to pass an examination for the operation of a motorcycle.
2. Any individual operating a utility vehicle shall be at least sixteen (16) years of age.
3. Any individual under the age of eighteen (18) operating a utility vehicle or riding as a passenger on a utility vehicle shall wear a securely fastened safety helmet on his or her head.

First Reading

4. The utility vehicle shall be operated at a speed of less than twenty-five (25) miles per hour and shall obey speed zones that may be less than twenty-five (25) miles per hour.
5. The utility 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 flag shall be day-glow colored and shall be triangular shaped, with an area not less than thirty (30) square inches.
6. The utility vehicle shall be properly insured and such proof of insurance shall be kept with the vehicle at all times. Such insurance shall specifically list the utility vehicle as referenced by the serial number and year of model. Proof of insurance must be provided to the City Clerk for utility vehicles seeking a city permit.
7. Notwithstanding other provisions of this Section, utility vehicles operated on City streets must comply with safety standards as outlined in 49 C.F.R. 571.500.

(b) No individual operating a utility vehicle shall:
1. Operate the utility vehicle in any careless or imprudent manner so as to endanger any person or property of any person.
2. Operate the utility vehicle while under the influence of alcohol or controlled substance.
3. Operate a utility vehicle between the hours of official sunset and sunrise unless the utility vehicle is properly equipped with headlights, taillights, brake lights, and turn signals.
4. Operate the utility vehicle without a valid City permit affixed to utility vehicle on the rear bumper.
5. Carry passengers:
   a. In excess of the maximum number of designed seating for the vehicle; no more than two (2) total persons per bench seat shall be allowed.
   b. Younger than sixteen (16) years of age unless the operator is the legal guardian of the passenger(s).

Sec. 7-340.5 Golf carts.

(a) Definition. 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 the 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 C.F.R. 571.500.

First Reading

(b) Requirements for operating golf carts on City streets, roads or alleyways within the City:

1. 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.
2. 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.
3. Any individual operating a golf cart shall be at least sixteen (16) years old.
4. Any individual under the age of eighteen (18) operating a golf cart or riding as a passenger on a golf cart shall wear a securely fastened safety helmet on his or her head.
5. The golf cart shall be operated at a speed of less than twenty (20) miles per hour.
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 utility vehicle while under the influence of alcohol or controlled substance.
3. Operate a utility vehicle 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. No golf cart shall 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.
6. Operate the golf cart without a valid City permit affixed to golf cart on the rear bumper.
7. Disturb the public peace as detailed in Sec. 8-36 of the City of Cameron Code.
8. Carry passengers:
   a. In excess of the maximum number of designed seating for the golf cart; no more than two (2) total persons per bench seat shall be allowed.
   b. Younger than sixteen (16) years in age unless the operator is the legal guardian of the passenger(s).

Sec. 7-340.6 Permits and registration.

(a) The City Clerk shall hereby be designated as the City Official with the authority to issue special use permits for utility vehicles and golf carts on a form prescribed and approved by the City Clerk and City Manager within the City and a fifteen dollar ($15.00) fee shall be collected by the official upon issuance of the permit. No permit shall be issued until the fee is paid. Within five (5) days after the receipt of said fees,

First Reading

the official shall deposit the fees in the general fund of the City. The city permit shall be valid for one year.

(b) No person shall operate a utility vehicle nor golf cart until and unless it has been registered with the City Clerk and to register a person must also provide proof of financial responsibility covering the operation of any utility vehicle or golf cart on public roads with minimal insurance amounts set forth by Missouri Revised Statutes as they may be amended from time to time.

Section 3. The Mayor is authorized to sign this Ordinance, approving it on behalf of the City of Cameron.

Section 4. The City Clerk is directed to attest to the Mayor's signature.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed and approved on first reading this 2nd day of November 2015.
Passed and approved on second reading this _____day of _____2015.
Passed and approved on third and final reading this _____day of _____2015.

_____
Attest: Mayor Dennis M. Clark

_____
City Clerk/Finance Clerk

First Reading