BILL 2015-40

****** Third 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

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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.

Off road vehicle means any vehicle designed for or capable of cross-country travel on or immediately over land, water, ice, snow, marsh, swampland, or other natural terrain without the benefit of a road or trail:

(a) Including, without limitation, the following:

a. Jeeps;
b. All-terrain vehicles;
c. Dune buggies;
d. Multiwheel drive or low-pressure tire vehicles;
e. Vehicle using an endless belt, or tread or treads, or a combination of tread and low-pressure tires;
f. Motorcycles, trail bikes, minibikes and related vehicles;
g. Any other means of transportation deriving power from any source other than muscle or wind; and

(b) Excluding the following:

a. Registered motorboats;
b. Aircraft;
c. Any military, fire or law enforcement vehicle;
d. Farm-type tractors and other self-propelled equipment for harvesting and transporting farm or forest products;
e. Any vehicle being used for farm purposes, earth moving, or construction while being used for such purposes on the work site;
f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used exclusively for their designed purpose; and
g. Any vehicle being used for the purpose of transporting a handicapped person;

Golf cart means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty miles per hour.

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

Sec. 7-340.1 All-terrain vehicles – prohibited on streets, highways, rivers or streams of this City – exceptions – operational requirements –- 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;

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3. All-terrain vehicles operated by handicapped persons for short distances occasionally only on the City's streets when operated between the hours of sunrise and sunset;
4. All-terrain vehicles whose licensed operators carry a special permit issued by the City pursuant to Section 7-340.1.

(b) No person shall operate an off-road vehicle, as defined in Section 7-1., 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 City at such road crossings as are customary or part of the street and city highway system. All law enforcement officials or peace officers of this City shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

(c) A person operating an all-terrain vehicle on a city street or 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 subdivision (3) of subsection (a) of this section, 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 city street or highway within the city, 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;
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; or
5. In a manner which disturbs the public peace as detailed in Sec. 8-36 of the City of Cameron Code.

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(g) No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is designed to carry more than one person.

(h) A violation of this section shall be punished by a fine not exceeding three hundred dollars ($300.00) or by imprisonment for a period of not exceeding fifteen (15) days or by both such fine and imprisonment.

Section 3. The Mayor and City Council are hereby authorized to adopt the following new sections:

Sec. 7-340.2 All-terrain vehicle 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 all-terrain 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 receive 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. A valid city permit shall be affixed to the utility vehicle near the state registration decal.

Sec. 7-340.3 Utility vehicles, operation on streets, highways, streams or rivers of this City 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 streets and highways of this City, 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 city's streets when operated between the hours of sunrise and sunset;

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(b) No person shall operate a utility vehicle within any stream or river in this City, 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 at such road crossings as are customary or part of the City street or highway system. All law enforcement officials or peace officers of this City shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

(c) A person operating a utility vehicle on a City street or highway within the City 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, but shall not be required to have passed an examination for the operation of a motorcycle. The utility vehicle shall be operated at speeds of less than forty-five (45) miles per hour on a highway within the city, and on city streets operated at a speed of less than twenty-five (25) miles per hour or the designated speed limit on any city street where the limit is less than twenty-five (25) 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;
2. While under the influence of alcohol or any controlled substance;
3. On an interstate highway within the city limits;
4. On any park lands of the City of Cameron, Missouri, except those operated by a governmental unit for official use; or
5. In a manner which disturbs the public peace as detailed in Sec. 8-36 of the City of Cameron Code.
6. Without a securely fastened safety helmet on the head of an individual who operates a utility vehicle or who is being towed or otherwise propelled by a utility vehicle, unless the individual is at least eighteen (18) years of age;
7. When operated on a city street or highway within the city, a 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 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.
8. Between the hours of official sunset and sunrise unless the utility vehicle is properly equipped with headlights, tail lights, brake lights, and turn signals.

(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.

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(f) A violation of this section shall be punished by a fine not exceeding three hundred dollars ($300.00) or by imprisonment for a period of not exceeding fifteen (15) days or by both such fine and imprisonment.

Sec. 7-340.4 Utility vehicle 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 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 a utility 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 utility vehicle on public roads with minimal insurance amounts as set forth in Chapter 303, RSMo. A valid city permit shall be affixed to the utility vehicle on the rear bumper.

Sec. 7-340.5 Golf carts, operation on city streets.

(a) 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 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.
   4. The golf cart shall be operated at a speed of less than twenty (20) miles per hour.
   5. 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.

(b) No individual operating a golf cart on city streets, roads or alleyways 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 a golf cart between the hours of official sunset and sunrise unless the golf cart is properly equipped with headlights, tail lights, brake lights and turn signals.
   4. Operate the golf cart at any time on any state or federal highway, except to cross a portion of the state highway system which intersects a municipal street.

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5. No golf cart shall cross any 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).

(c) A violation of this section shall be punished by a fine not exceeding three hundred dollars ($300.00) or by imprisonment for a period of not exceeding fifteen (15) days or by both such fine and imprisonment.

Sec. 7-340.6 Golf cart permits and registration.

(a) The City Clerk shall hereby be designated as the City Official with the authority to issue special use permits for 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, 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 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 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 4. The Mayor is authorized to sign this Ordinance, approving it on behalf of the City of Cameron.

Section 5. The City Clerk is directed to attest to the Mayor's signature.

Section 6. 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 16th day of November 2015.
Passed and approved on second reading this 7th day of December 2015.
Passed and approved on third and final reading this 21st day of December 2015.

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Attest: Mayor Dennis M. Clark

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City Clerk/Finance Clerk

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