

AN ORDINANCE AMENDING CHAPTER 340: MISCELLANEOUS DRIVING RULES TO PROVIDE CERTAIN RULES AND DEFINITIONS TO ALLOW THE OPERATION OF LOW SPEED VEHICLES, AND ALLOW THE OPERATION OF UTILITY AND RECREATIONAL OFF-HIGHWAY VEHICLES IN THE CITY OF TROY

WHEREAS, the City of Troy has Chapter 340: Miscellaneous Driving Rules in its Code of Ordinances of the City, which provides certain regulations on driving rules within the City of Troy, Missouri;

WHEREAS, such Driving Rules regulate the of operation of motorized vehicles in order to protect the citizens when traveling or traversing the municipal limits of the City of Troy, whether on public property and the City's streets, roads, alleyways, and sidewalks;

WHEREAS, such Driving Rules are necessary to protect the public health and welfare and to provide regulations which give safety requirements for the operations of certain motor vehicles;

WHEREAS, citizens have requested to utilize all-terrain vehicles, golf carts, low speed vehicles, recreational off-highway vehicles, and utility vehicles in the City of Troy, Missouri;

WHEREAS, the City of Troy deems it necessary to enact rules and regulations relating to all-terrain vehicles, golf carts, low speed vehicles, recreational off-highway vehicles, and utility vehicles in the City of Troy, Missouri and that such rules and regulations will provide protections for those utilizing such motor vehicles and the citizens who are in the City limits;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TROY, MISSOURI, AS FOLLOWS:

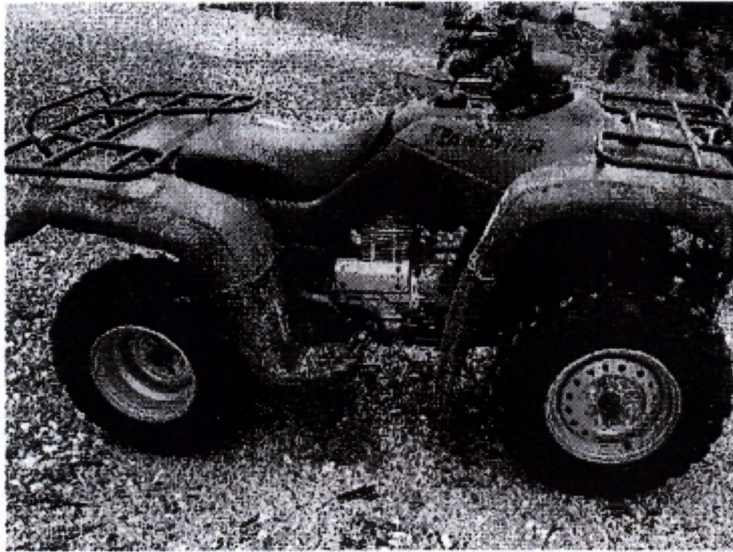
SECTION 1: Chapter 340: Miscellaneous Driving Rules is hereby amended by replacing in their entirety Sections 340.110: All-Terrain Vehicles – Prohibited – Exceptions – Operation Under An Exception – Prohibited Uses - Penalty, 340.113: Recreational Off-Highway Vehicles, Operation on Highways Prohibited, Exceptions – Operation Within Streams and Rivers Prohibited, Exceptions – License Required for Operation, Exception, 340.115: Driving Regulations For Bicycles, Motorized Bicycles, Go-Carts and Unlicensed Vehicles, and 340.125: Utility Vehicles, Operation On Highway and in Streams or Rivers Prohibited – Exceptions – Passengers Prohibited – Violations, Penalty and enacting new sections in Chapter 340. Miscellaneous Driving Rules as follows:

Section 340.105: Definitions.

The following words and phrases, when used in this Title, mean:

ALL-TERRAIN VEHICLE — Any motorized vehicle manufactured and used exclusively for off-highway use according to Section 301.010, RSMo., traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by

the operator and handlebars for steering control. Below is an example image of a vehicle qualifying under this definition.



GOLF CART — 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 (20) miles an hour.

LOW SPEED VEHICLE — A low speed vehicle shall include any vehicle as defined by Section 304.029, RSMo., and 49 CFR, Section 571.3, as amended, which are incorporated herein by this reference.

RECREATIONAL OFF-HIGHWAY VEHICLE — Any motorized vehicle manufactured and used exclusively for off-highway use according to Section 301.010, RSMo., traveling on four (4) or more non-highway tires and which may have access to ATV trails. Below are example images of a vehicle qualifying under this definition.



UTILITY VEHICLE — Any motorized vehicle manufactured and used exclusively for off-highway use according to Section 301.010, RSMo., traveling on four (4) or six (6) wheels, to be used primarily for landscaping, lawn care or maintenance purposes. Below is an example image of a vehicle qualifying under this definition.



Section 340.107: All-Terrain Vehicles Prohibited.

No person shall operate an All-Terrain Vehicle upon the streets or highways of the City, except vehicles owned and operated by a governmental entity for official use.

Section 340.110: Operation Of Low Speed Vehicles.

- A. No person shall operate a Low Speed Vehicle ("LSV") upon the streets and highways of this City, except as follows:
1. LSVs owned and operated by a governmental entity for official use.
 2. LSVs whose licensed operators carry a special permit issued by the City.
 3. For the purposes of a properly permitted parade.
 4. A person operating a LSV on a City street or highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, but shall not be required to have passed an examination for the operation of a motorcycle.
 5. The LSV shall be properly insured and such proof of insurance shall specifically list the vehicle as referenced by the serial number and year of model.
 6. The vehicle shall be operated at speeds of less than twenty (20) miles per hour.
 7. A LSV without a roof shall have a bicycle flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The flag shall be dayglow in color and triangular in shape, with an area not less than thirty (30) square inches. If the LSV has a roof, a reflective device shall be attached to the rear of the roof.
 8. No person shall operate a LSV within any stream in this City, except that LSVs may be operated within waterways which flow within the boundaries of land

which a LSV operator owns, or for agricultural purposes within the boundaries of land which a LSV operator owns or has permission to be upon, or for the purpose of fording such stream of this City at such road crossings as are customary or part of the street and City highway system.

B. Any person operating a LSV on a public street or highway shall be subject to all traffic ordinances of the City, except those Chapters pertaining to licensing and registration.

C. No person operating a LSV on City streets, roads or alleyways shall:

1. Operate the LSV in any careless or imprudent manner so as to endanger any person, or property of any person.
2. Operate the LSV while under the influence of alcohol or any controlled substance.
3. Operate a Low Speed Vehicle between the hours of official sunset and sunrise.
4. Operate a LSV on any park lands in the City of Troy, Missouri, except those operated by a governmental unit for official use.
5. Carry passengers in excess of the maximum number of designed seating for the LSV: no more than two (2) passengers per bench seat shall be allowed; or, those younger than sixteen (16) years in age unless the operator is the legal guardian of the passenger(s). Age/size appropriate child restraints are required.
6. Operate a LSV on any State or Federal highway, except any State highway with a posted speed limit of thirty-five (35) miles per hour or less, and then only to directly cross a portion of a State highway system which intersects a municipal street and has an all-way stop sign or light (i.e. the intersections of Highway 47 and Lincoln Drive, Highway 47 and Front Street, Highway 47 and Villa Drive, Highway 47 and Main Street, Highway 47 and Ellis Avenue, Highway 47 and Highway J and Boone Street).
7. Operate a LSV in a manner which disturbs the public peace as detailed in Section 210.210 of the City Code.

D. Inspection, Permits And Registration.

1. Any LSV operating on a public street or highways under the jurisdiction of the City shall be registered with the City. The application for registration of a LSV with the City shall include the following information:
 - a. Identifying information for the Low Speed Vehicle, as determined by the Chief of Police.
 - b. The name and address of the owner of the Low Speed Vehicle.
 - c. A copy of proof of financial responsibility covering the LSV to be registered, for operation on public roads with no less than the minimal insurance limits as set forth by the State of Missouri for the operation of a vehicle on the highways of the State of Missouri, as they may be amended from time to time.
 - d. A notarized certification by the owner that the LSV meets all requirements of this Section.
 - e. A certificate indicating that the LSV has passed the inspection requirements as described in Subsection (D)(5) below.
2. Proof of registration issued by the City of Troy in the form of a receipt for registration and an approved vehicle sticker shall constitute all permits required from the City. The proof of registration shall be kept in the vehicle at all times of operation on a public street or highway, and the current registration

sticker shall be conspicuously displayed on the exterior of the vehicle. Registrations must be renewed every one (1) year, and will be deemed revoked and invalid if modifications have been made to such vehicle which would make the owner's certification of the class of vehicle untrue.

3. Registration fees shall be fifteen dollars (\$15.00) for each one-year LSV registration and/or renewal. The issuance of a permit based upon the payment of registration fees shall not guaranty continued allowance to operate such LSV in the City, as the City reserves the right to terminate or modify this Chapter at any time, and no refund shall be provided.
4. Applicants for a LSV permit shall bring the vehicle to City Hall to the City of Troy Police Department for verification of vehicle type and VIN.
5. In order to apply for new or renewal registration under this Section, LSVs shall pass an inspection conducted by a licensed Missouri vehicle inspection station or a person or entity in the regular business of repairing, servicing and/or maintaining vehicles (each a "qualified inspector") and shall obtain from such qualified inspector a signed certificate of satisfactory inspection. The City of Troy Police Department shall maintain a form of "certificate of satisfactory inspection" which will list the inspection requirements as provided below. The City of Troy Police Department may provide blank forms of certificate of satisfactory inspection to known qualified inspectors, and otherwise will provide such forms to owners of LSVs upon request. A LSV inspection will confirm that the following are present and operational:
 - a. Headlamps.
 - b. Front and rear turn signal lamps.
 - c. Tail lamps.
 - d. Stop lamps.
 - e. Reflex reflectors, one (1) on each side as far to rear as practicable and one (1) red on the rear.
 - f. Exterior mounted mirror on drivers side of the vehicle and either an exterior mirror mounted on passenger side or an interior mirror.
 - g. Parking brake.
 - h. Windshield that conforms to the Federal motor vehicle safety standard on glazing materials as set forth in 49 CFR 571.202, as amended, which is incorporated herein by this reference.
 - i. A vehicle identification number that conforms to the Federal requirements of part 565 Vehicle Identification Number as set forth in 49 CFR 565, as amended, which is incorporated herein by this reference.
 - j. Type 1 or Type 2 seat belt assembly conforming to Federal Motor Vehicle Safety Standard #209, as amended.
 - k. A flag (not less than thirty (30) square inches) extending not less than seven (7) feet above the ground if the neighborhood vehicle is not equipped with a roof.
 - l. That the LSV operates on at least four (4) wheels.
 - m. Not less than two (2) thirty-seconds inch of tread depth remaining on each tire, there are no visible tire threads or cords showing and there is no visible rubber separation.

Upon satisfactory confirmation of the requirements listed above, a qualified inspector, as defined above, may issue a signed certificate of satisfactory inspection.

Section 340.115: Driving Regulations For Bicycles, Motorized Bicycles, Go-Carts and Unlicensed Vehicles.

- A. No person shall ride or operate a go-cart, golf cart, or any other unlicensed or unpermitted vehicle on any street, highway, roadway, sidewalk or any other City property, including City parks. Anyone operating such a vehicle in or on any street, highway, roadway, sidewalk or any other City property or permitting it to be done shall be guilty of a misdemeanor.
- B. A person may operate a motorized bicycle, motorized scooter, and motorized skateboard on the streets and highways and on City of Troy property. For purposes of this Section, the term "motorized scooter" shall be defined as "any two-, three- or four-wheeled device having handlebars that are attached to a footboard, is designed to be stood upon by the operator and is powered by a motor that is capable of propelling the device with or without human propulsion." For purposes of this Section, the term "motorized skateboard" shall be defined as "any two-, three- or four-wheeled device having a footboard which is designed to be stood upon by the operator, without handlebars, and is powered by a motor that is capable of propelling the device with or without human propulsion."
- C. A person may not operate a go-cart, golf cart, motorized bicycle, motorized scooter, motorized skateboard, or any other unlicensed vehicle on any City park or City green space. For purposes of this Section, the term "City green space" shall be defined as "any grass-covered surface which is located in any City park."
- D. A person may not operate a motorized bicycle, motorized scooter or motorized skateboard in contravention of any other provision of Chapter **340** or Chapter **385** of the City of Troy Ordinances.
- E. No go-cart, golf cart, motorized bicycle, motorized scooter, motorized skateboard, or any other unlicensed vehicle may be operated upon any private property without permission of the owner, the person entitled to immediate possession of the property, or their authorized agent.
- F. Any motorized bicycle, motorized scooter, or motorized skateboard which is operated on the streets, highways and on City of Troy property shall be equipped with:
 1. A brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement;

2. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;
 3. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;
 4. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and
 5. Reflective material and/or lights visible on each side of the bicycle, bicyclist, motorized scooter or motorized skateboard and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.
- G. Any person who operates a motorized bicycle, motorized scooter, or motorized skateboard which is operated on the streets and highways and on City of Troy property shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title which by their nature can have no application.
- H. Every person operating a motorized bicycle, motorized scooter, or motorized skateboard at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street.
- I. A person operating a motorized bicycle, motorized scooter, or motorized skateboard at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in this Section, or may operate on the shoulder adjacent to the roadway. A motorized bicycle, motorized scooter, or motorized skateboard operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway. For purposes of this Section, the

term "roadway" shall be defined as "that portion of a street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder."

- J. The operator of a motorized bicycle, motorized scooter, or motorized skateboard shall signal as required in Section **340.190** of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the motorized bicycle, motorized scooter, or motorized skateboard. An operator of a motorized bicycle, motorized scooter, or motorized skateboard intending to turn the bicycle, scooter or skateboard to the right shall signal as indicated in Section **340.190** of this Title, or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle.
- K. No person shall operate a motorized bicycle, motorized scooter, or motorized skateboard on any highways, streets or roads in this City unless the person has a valid license to operate a motor vehicle.
- L. No person shall operate a motorized bicycle, motorized scooter, or motorized skateboard on any highways, streets or roads in this City unless the person and any passenger is wearing protective headgear which properly fits and is fastened securely upon the head of the operator or passenger. The headgear shall meet or exceed the impact standard for protective bicycle helmets set by the United States Consumer Products Safety Commission, the American National Standards Institute (ANSI), the Snell Memorial Foundation or the American Society of Testing and Materials (ASTM).
- M. No motorized bicycle, motorized scooter, or motorized skateboard may be operated on any public thoroughfare located within this City which has been designated as part of the Federal interstate highway system. Violation of this Section shall be deemed an ordinance violation.
- N. No person shall operate a motorized bicycle, motorized scooter, or motorized skateboard on any highways, streets or roads in this City unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission.
- O. Any person seventeen (17) years of age or older who violates any provision of this Chapter, except 340.115(A) is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Police Officer, said officer may impound the go-cart, golf cart, motorized bicycle, motorized scooter, motorized skateboard, or any other unlicensed vehicle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

Section 340.116: Operation of Utility And Recreational Off-Highway Vehicles.

- A. No person shall operate a Utility Vehicle ("UTV") or Recreational Off-Highway Vehicle ("ROV") upon the streets and highways of this City, except as follows:
1. UTVs or ROVs owned and operated by a governmental entity for official use.
 2. UTVs or ROVs whose licensed operators carry a special permit issued by the City.
 3. For the purposes of a properly permitted parade.
 4. A person operating a UTV or ROV on a City street or highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, but shall not be required to have passed an examination for the operation of a motorcycle.
 5. The UTV or ROV shall be properly insured and such proof of insurance shall specifically list the vehicle as referenced by the serial number and year of model and shall be available upon request of law enforcement at all times while being operated on a City street or highway.
 6. A UTV or ROV without a roof shall have a bicycle flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The flag shall be dayglow in color and triangular in shape, with an area not less than thirty (30) square inches. If the UTV or ROV does not have a roof, a reflective device shall be attached to the rear of the roof.
 7. No person shall operate a UTV or ROV within any stream in this City, except that UTVs or ROVs may be operated within waterways which flow within the boundaries of land which a UTV or ROV operator owns, or for agricultural purposes within the boundaries of land which a UTV or ROV operator owns or has permission to be upon, or for the purpose of fording such stream of this City at such road crossings as are customary or part of the street and City highway system.
- B. Any person operating a UTV or ROV on a public street or highway shall be subject to all traffic ordinances of the City, except those Chapters pertaining to licensing and registration.
- C. No person operating a UTV or ROV on City streets, roads or alleyways shall:
1. Operate the UTV or ROV in any careless or imprudent manner so as to endanger any person, or property of any person.
 2. Operate the UTV or ROV while under the influence of alcohol or any controlled substance.
 3. Operate a UTV or ROV on any park lands in the City of Troy, Missouri, except those operated by a governmental unit for official use. Section 340.116 Section 340.116
 4. Carry passengers in excess of the maximum number of designed seating for the UTV or ROV: no more than two (2) passengers per bench seat shall be allowed; or, those younger than sixteen (16) years in age unless the operator is the legal guardian of the passenger(s). Age/size appropriate child restraints are required.
 5. Operate a UTV or ROV in a manner which disturbs the public peace as detailed in Section 210.210 of the City Code.
 6. Unless otherwise compliant with State or Federal Law, operate a UTV or ROV on any State or Federal highway, except any State highway with a

posted speed limit of thirty-five (35) miles per hour or less, and then only to directly cross a portion of a State highway system which intersects a municipal street and has an all-way stop sign or light (i.e. the intersections of Highway 47 and Lincoln Drive, Highway 47 and Front Street, Highway 47 and Villa Drive, Highway 47 and Main Street, Highway 47 and Ellis Avenue, Highway 47 and Highway J and Boone Street).

D. Inspection, Permits And Registration.

1. Any UTV or ROV operating on a public street or highways under the jurisdiction of the City shall be registered with the City of Troy Police Department. The application or registration of a UTV or ROV with the City shall include the following information:
 - a. Identifying information for the UTV or ROV, as determined by the Chief of Police.
 - b. The name and address of the owner of the UTV or ROV.
 - c. A copy of proof of financial responsibility covering the UTV or ROV to be registered, for operation on public roads with no less than the minimal insurance limits as set forth by the State of Missouri for the operation of a vehicle on the highways of the State of Missouri, as they may be amended from time to time.
 - d. A notarized certification by the owner that the UTV or ROV meets all requirements of this Section.
 - e. A certificate indicating that the UTV or ROV has passed the inspection requirements as described in Subsection (D)(5) below.
2. Proof of registration issued by the City of Troy Police Department in the form of a receipt for registration and an approved vehicle sticker shall constitute all permits required from the City of Troy Police Department. The proof of registration shall be kept in the vehicle at all times of operation on a public street or highway, and the current approved vehicle sticker shall be conspicuously displayed on the rear of the vehicle. Registrations must be renewed every one (1) year, and will be deemed revoked and invalid if modifications have been made to such vehicle which would make the owner's certification of the class of vehicle untrue.
3. Registration fees shall be fifteen dollars (\$15.00) for each one-year UTV or ROV registration and/or renewal. The issuance of a permit based upon the payment of registration fees shall not guaranty continued allowance to operate such UTV or ROV in the City, as the City reserves the right to terminate or modify this Chapter at any time, and no refund shall be provided.
4. Applicants for a UTV or ROV permit shall bring the vehicle to City Hall Police Department for verification of vehicle type and VIN.
5. In order to apply for new or renewal registration under this Section, UTVs or ROVs shall pass an inspection conducted by a licensed Missouri vehicle inspection station or a person or entity in the regular business of repairing, servicing and/or maintaining vehicles (each a "qualified inspector") and shall obtain from such qualified inspector a signed certificate of satisfactory inspection. The City of Troy Police Department shall maintain a form of

"certificate of satisfactory inspection" which will list the inspection requirements as provided below.

6. The City may provide blank forms of certificate of satisfactory inspection to known qualified inspectors, and otherwise will provide such forms to owners of UTVs or ROVs upon request. A UTV or ROV inspection will confirm that the following are present and operational:
 - a. Headlamps.
 - b. Tail lamps.
 - c. Stop lamps.
 - d. Reflex reflectors, one (1) on each side as far to rear as practicable and one (1) red on the rear.
 - e. Parking brake.
 - f. A vehicle identification number that conforms to the Federal requirements of part 565 Vehicle Identification Number as set forth in 49 CFR 565, as amended, which is incorporated herein by this reference.
 - g. Type 1 or Type 2 seat belt assembly conforming to Federal Motor Vehicle Safety Standard #209, as amended.
 - h. A flag as described in Section 340.116(A)(6) if the vehicle is not equipped with a roof.
 - i. That the UTV or ROV operates on at least four (4) wheels.
 - j. Not less than two (2) thirty-seconds inch of tread depth remaining on each tire, there are no visible tire threads or cords showing and there is no visible rubber separation.

Upon satisfactory confirmation of the requirements listed above, a qualified inspector, as defined above, may issue a signed certificate of satisfactory inspection.

SECTION 2: Section 340 and Section 385 shall not be affected, abrogated or repealed by this ordinance except to the extent specifically modified by this ordinance. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Aldermen hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

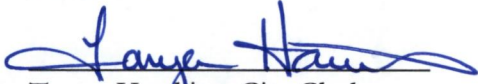
SECTION 4: This ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION 5: Read two times and approved, this 18th day of September, 2023.



Mayor Ron Sconce

ATTEST:



Tonya Hawkins, City Clerk