

AN ORDINANCE AMENDING SECTIONS 300.020 DEFINITIONS AND 340.120 ALL-TERRAIN VEHICLES PROHIBITED OF THE CODE OF ORDINANCES, CITY OF BLUE SPRINGS, MISSOURI, TO UPDATE DEFINITIONS AND PROHIBIT GOLF CARTS, UTILITY TERRAIN VEHICLES OR LOW SPEED VEHICLES FOR USE ON CITY STREETS

WHEREAS, the Public Safety Citizens' Advisory Board was asked to review Section 340.120 of the City of Blue Springs Code of Ordinances prohibiting All-Terrain Vehicles for use on city streets, to include also Golf Carts, Utility Terrain Vehicles and Low Speed Vehicles; and

WHEREAS, on June 25, 2024 the Public Safety Citizens' Advisory Board discussed proposed amendments to the Code of Ordinance and recommended to the Mayor and City Council that the Code of Ordinances be amended to allow Golf Carts, Utility Terrain Vehicles and Low Speed Vehicles to be used on city streets with certain restrictions; and

WHEREAS, at the City Council meeting on August 5, 2024, Bill No. 5240, which included allowing Golf Carts, Utility Terrain Vehicles and Low Speed Vehicles to be used on city streets with certain restrictions failed on the first reading; and

WHEREAS, the revised proposed Code Amendments to Sections 300.020 and 340.120 of the Blue Springs Code of Ordinances update and add needed definitions regarding Golf Carts, Utility Terrain Vehicles and Low Speed Vehicles, but does not permit usage on city streets.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, as follows:

NOTE: LANGUAGE TO BE ADDED IS UNDERLINED. LANGUAGE TO BE DELETED IS SHOWN AS ~~STRICKEN~~. Sections and Subsections not set out herein are not amended or changed.

Section 1. That Section 300.020 of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

Section 300.020 Definitions.

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

ALLEY or ALLEYWAY

Any street with a roadway of less than fifteen (15) feet in width.

ALL-TERRAIN VEHICLE

Any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, 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.

AUTHORIZED EMERGENCY VEHICLE

A vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the State Highway Patrol, Police, or Fire Department, Sheriff, Constable or Deputy Sheriff, Traffic Officer, or any privately owned vehicle operated as an ambulance when responding to emergency calls.

BUSINESS DISTRICT

The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT

All streets and portions of streets within the area described by City ordinance as such.

COMMERCIAL VEHICLE

Every vehicle designed, maintained, or used primarily for the transportation of property.

CONTROLLED ACCESS HIGHWAY

Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

CROSSWALK

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;
2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE

A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER

Every person who drives or is in actual physical control of a vehicle.

ELECTRIC BICYCLE

A bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

(a) Class 1 electric bicycle – an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;

(b) Class 2 electric bicycle – an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or

(c) Class 3 electric bicycle – an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour.

FREIGHT CURB LOADING ZONE

A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

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 per hour.

HIGHWAY

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

INTERSECTION

1. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;
2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY

A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

LOW-SPEED VEHICLE (LSV)

A 4-wheeled motor vehicle capable of a top speed greater than twenty (20) miles per hour, but not greater than twenty-five (25) miles per hour, manufactured in compliance with the standards of 49 CFR 571.500.

MOTORCYCLE

Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor.

MOTORIZED BICYCLE

Any two (2) wheeled or three (3) wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground, but excluding an electric bicycle.

MOTOR VEHICLE

Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

OFFICIAL TIME STANDARD

Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the City.

OFFICIAL TRAFFIC CONTROL DEVICES

All signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

PARK or PARKING

The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PASSENGER CURB LOADING ZONE

A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN

Any person afoot.

PERSON

Every natural person, firm, copartnership, association or corporation.

POLICE OFFICER

Every Officer of the Municipal Police Department or any Officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD or DRIVEWAY

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

RAILROAD

A carrier of persons or property upon cars operated upon stationary rails.

RAILROAD TRAIN

A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

RESIDENCE DISTRICT

The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY

The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY

That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE

The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

STAND or STANDING

The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

STOP

When required, complete cessation from movement.

STOP or STOPPING

When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control sign or signal.

STREET or HIGHWAY

The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. "State Highway," a highway maintained by the State of Missouri as a part of the State Highway system.

THROUGH HIGHWAY

Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this Title.

TRAFFIC

Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

TRAFFIC UNIT

The Traffic Unit of the Police Department of the City, or in the event a Traffic Unit is not established, then said term whenever used herein shall be deemed to refer to the Police Department of the City.

UTILITY TERRAIN VEHICLE

Any motorized vehicle manufactured and used exclusively for off-highway use traveling on four (4) or more wheels between fifty (50) inches and sixty-seven (67) inches in width, an unladen dry weight of two thousand (2,000) pounds or less with side-by-side occupant seating, a steering wheel, non-straddle seating, foot controls for throttle and breaking, occupant restraints, and rollover protective structures.

VEHICLE

Any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons.

Section 2. That Section 340.120 of the Code of Ordinances, City of Blue Springs, Missouri is hereby amended to read as follows:

Section 340.120 All-Terrain Vehicles, Golf Cart, Utility Terrain Vehicle, or Low Speed Vehicle Prohibited — Exceptions, Operation Of Under An Exception — Prohibited Uses — Penalty.

- A. No person shall operate an all-terrain vehicle, golf cart, utility terrain vehicle, or low speed vehicle, as defined in Section **300.020**, upon the streets and highways of this City, except as follows:
1. All-terrain vehicles, golf carts, utility terrain vehicles, or low speed vehicles owned and operated by a Governmental entity for official use;
 2. All-terrain vehicles, golf carts, utility terrain vehicles, or low speed 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, golf carts, utility terrain vehicles, or low speed vehicles, whose operators carry a special permit issued by this City pursuant to Section 304.013, RSMo.;
 4. All-terrain vehicles, golf carts, utility terrain vehicles, or low speed vehicles, properly licensed by the State of Missouri for use on public highways.
- 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 subdivision 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 operator's or chauffeur's license 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 all-terrain vehicle, golf cart, utility terrain vehicle, or low speed 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 vehicles, 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.

Section 3. That this Ordinance shall be in full force and effect from and after its passage and approval.

Section 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk, may be corrected with the endorsement of the City Administrator without the need to come before the City Council.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of Blue Springs, this 18th day of September 2024.

CITY OF BLUE SPRINGS


Chris Lievsay, Mayor

ATTEST:


Erin Ford, City Clerk

1st Reading: September 18, 2024
2nd Reading: September 18, 2024

**CITY OF BLUE SPRINGS
CITY COUNCIL INFORMATION FORM**

DATE SUBMITTED: August 30, 2024

SUBMITTED BY: Bob Muenz

DEPARTMENT: Police

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Contract	<input type="checkbox"/> Discussion	<input type="checkbox"/> Economic Dev.	<input type="checkbox"/> Other

ISSUE/REQUEST

Passage of a Bill amending Sections 300.020 Definitions and 340.120 All-Terrain Vehicles Prohibited of the Code of Ordinances, City of Blue Springs, Missouri, to update definitions and language.

BACKGROUND/JUSTIFICATION

In April of 2022, the Public Safety Citizens' Advisory Board was asked to review Section 340.120 of the Code of Ordinances which prohibits All-Terrain Vehicles for use on city streets, to include Golf Carts, Utility Terrain Vehicles and Low Speed Vehicles. At that time the Public Safety Citizens' Advisory Board voted to recommend to the Mayor and Council the continued prohibition of the vehicles of this nature on the city streets. However, the Public Safety Citizens' Advisory Board did recommend several definition changes and amendments to the Ordinance to clarify the prohibited vehicles. Those recommended changes to the Ordinance were never adopted.

The proposed Bill includes the updates originally suggested in 2022 by the Public Safety Citizens' Advisory Board. Unlike Bill No. 5240, which failed on the first reading at the August 5, 2024 City Council meeting, the proposed changes do not permit Golf Carts, Utility Terrain Vehicles and Low Speed Vehicles to be used on city streets.

FINANCIAL IMPACT

Contractor:	N/A
-------------	-----

PROJECT TIMELINE

Estimated Start Date	Estimated End Date
September 19, 2024	N/A

STAFF RECOMMENDATION

Staff recommends approval.

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:	Public Safety Citizens' Advisory Board
Date:	April, 2022
Action:	Recommended definition changes.

ECONOMIC DEVELOPMENT PROJECT

N/A

LIST OF REFERENCE DOCUMENTS ATTACHED

1. Bill amending Code of Ordinances

REVIEWED BY:

Requesting Director: Bob Muenz	Budget: N/A
Legal: John Mullane	City Administrator: Christine Cates