

BILL NO. 24-24

ORDINANCE NO. 24-25

AN ORDINANCE OF THE CITY OF FREDERICKTOWN, MISSOURI TO AMEND SECTION 300.010 IN TITLE III: TRAFFIC CODE, CHAPTER 300: GENERAL PROVISIONS, RELATING TO DEFINITIONS; AND TO ENACT A NEW SECTION 340.113 IN TITLE III: TRAFFIC CODE, CHAPTER 340: MISCELLANEOUS DRIVING RULES, RELATING TO UTILITY VEHICLES; ESTABLISHING THE EFFECTIVE DATE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, state statutes regarding the definitions and use of all-terrain vehicles, motorized bicycles, recreational off-highway vehicles and utility vehicles have been revised; and

WHEREAS, it is in the best interests of the citizens of the City of Fredericktown to permit the operation of utility vehicles, as well as all-terrain vehicles and recreational off-highway vehicles on City streets under certain conditions.

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

(Note: Language to be added is underlined. Language to be deleted is ~~stricken~~.)

Section 1. That Section 300.010 Definitions is amended to add/amend the following definitions leaving all other provisions of Section 300.010 in effect, unaltered:

Section 300.010. Definitions.

...

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)~~ one thousand five hundred (1,500) pounds or less, traveling on three (3), four (4) or more ~~low-pressure~~ nonhighway tires, with ~~a seat designed to be straddled by the operator and handlebars for steering control.~~ either:

1. A seat designed to be straddled by the operator, and handlebars for steering control, but excluding an electric bicycle; or

2. A width of fifty (50) inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement.

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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:

1. 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;
2. 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
3. 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.

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MOTOR VEHICLE – Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and ~~motorized~~ electric bicycles.

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MOTORIZED BICYCLE – Any two-wheeled or three-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.

* * *

RECREATIONAL OFF-HIGHWAY VEHICLE – Any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty (50) inches but no more than ~~sixty seven (67)~~ eighty (80) inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of ~~two thousand (2,000)~~ three thousand five hundred (3,500) pounds or less, traveling on four (4) or more nonhighway tires and which may have access to ATV trails.

* * *

UTILITY VEHICLE – Any motorized vehicle manufactured and used exclusively for off-highway use which is ~~sixty three (63) inches or less~~ more than fifty inches but no more than eighty inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of ~~one thousand eight hundred fifty (1,850)~~ three thousand five hundred (3,500) pounds or less, traveling on four (4) or six (6) wheels, to be used primarily for landscaping, lawn care, or maintenance purposes.

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

Section 2. A new section 340.113 entitled Utility Vehicles, Operation on Highways and in Streams or Rivers Prohibited—Exceptions—Passengers Prohibited—Violations, Penalty is enacted in Title III: Traffic Code, in Chapter 340: Miscellaneous Driving Rules, to read as follows:

“Section 340.113. Utility Vehicles, Operation on Highways 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, upon the 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 state’s secondary roads when operated between the hours of sunrise and sunset;
4. A licensed driver holding a special permit for special uses of utility vehicles on highways within the City limits. An annual fee of \$15.00 shall be collected and retained by the City for said permit;
5. Any person operating a utility vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial responsibility in accordance with section 303.160, RSMo or maintain any other insurance policy providing equivalent liability coverage for a utility vehicle.

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 highway system.

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 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 forty-five 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.

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 person.

F. A violation of this section shall be an ordinance violation.”

Section 3. It is the intent of the Mayor and Board of Aldermen of the City of Fredericktown, Missouri, and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Fredericktown, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. That this ordinance shall take effect and be in force from and after its passage and approval by the Board of Aldermen and after its approval and execution by the Mayor.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

THIS ORDINANCE having been read by title only the first time on this 10th
day of June, 2024, the Board of Aldermen voted as follows:


Long aye Brown absent
Polete aye Reese aye
Jones aye Shankle aye

THIS ORDINANCE having been read by title only the second time on this 10th
day of June, 2024, the Board of Aldermen voted as follows:

Long aye Brown absent
Polete aye Reese aye
Jones aye Shankle aye

PASSED AND APPROVED this 10th day of June, 2024, by
5 ayes, 0 nays, 1 abstentions and 0 absentees.

CITY OF FREDERICKTOWN, MISSOURI

By: 
Travis Parker, Mayor

ATTEST:


Theresa Harbison, City Clerk