

BILL NO. _____

ORDINANCE NO. 714

AN ORDINANCE GOVERNING THE OPERATION OF ALL-TERRAIN VEHICLES, GOLF CARTS, ELECTRIC ASSISTED MOBILITY DEVICES AND MOTORIZED WHEELCHAIRS/ELECTRIC MOBILITY DEVICES, WITHIN THE CITY LIMITS OF THE CITY OF KING CITY, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF KING CITY, MISSOURI, AS FOLLOWS:

Section 1: The following terms shall have the following prescribed meanings:

a. All-Terrain Vehicle ("ATV"): 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 one thousand five hundred (1,500) pounds or less, traveling on three (3), four (4) or more non-highway tires with a seat designed for straddling and handle bars for steering.

b. Utility Vehicle ("UTV"): 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) inches in width, with an unladen dry weight of two thousand (2,000) pounds or less, traveling on four (4) or six (6) wheels, to be used primarily for landscaping, lawn care, agricultural, or maintenance purposes. Examples of UTV's include, by way of example and not limitation, Rangers, Minicabs, Mules, Gators, Mass/Buffalo, etc.

c. Recreational Off-highway Vehicle ("RTV"): 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) inches in width, with an unladen dry weight of two thousand (2,000) pounds or less, traveling on four (4) or more non-highway tires and which may be suitable to access ATV trails. Examples of RTV's include, by way of example and not limitation, Polaris RZR, Kawasaki Treyx, etc.

d. Golf Cart: A motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and is not capable of exceeding speeds of twenty (20) miles per hour.

e. Electric Personal Assistive Mobility Device or EPAMD: A self-balancing two non-tandem wheeled device, designed to transport only one person, with an electric propulsion system with an average power of seven hundred fifty (750) watts, or one (1) horsepower, whose maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator who weights one hundred seventy (170) pounds, is less than twenty (20) miles per hour. A Segway® Human Transporter, or similar two-wheeled electric scooters marketed as pedestrian enhancement devices, qualify as EPAMD's.

f. Motorized Wheelchairs or Electric Mobility Devices: A self-propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility related disability.

Section 2 – Operation of All-terrain Vehicles and Recreational Off-Highway Vehicles Unlawful, Exceptions: It shall be unlawful to operate an ATV or RTV on the streets, alleyways or highways within the City of King City, Missouri, except if: the ATV or RTV has a valid permit issued by the City of King City, Missouri and the owner of the ATV or RTV has proof of compliance with Section 3(c) of this Ordinance. If not fully complying with the above, ATV's and RTV's may only be operated under the following circumstances:

(a) ATV's and RTV's owned and operated by a governmental entity for official use;

(b) ATV's and RTV's operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper, sufficient lighting which would otherwise comply with Missouri law and provide sufficient lighting for operation purposes;

(c) ATV's and RTV's operated by handicapped persons for short distances occasionally on the State's secondary roads between the hours of sunrise and sunset on the day of operation;

(d) ATV's and RTV's operated for the purpose of snow removal, operated by persons issued a special permit by the City of King City; or

(e) ATV's and RTV's being operated during participated in a City authorized parade or special event.

Section 3 – Rules Applying to the Operation of All-terrain Vehicles:

(a) When operated on a street or highway, an ATV or RTV shall display 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 day-glow in color;

(b) Any person operating an ATV or RTV on a street, alleyway, or highway in compliance with this Ordinance 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;

(c) Any person operating an ATV or RTV pursuant to an exception covered in this Section shall maintain proof of insurance coverage on said ATV or RTV in the minimum amount of \$25,000.00 for bodily injury or death to one (1) person in any one accident; \$50,000.00 for bodily injury or death of two (2) or more persons in any one accident; and \$10,000.00 because of injury to or destruction of property of others in any

one accident. Proof of such insurance shall specifically list the vehicle as reference by the serial number and model year. This subsection does not apply to ATV's or RTV's while being operated during participation in a City authorized parade or special event when the event carries "event insurance coverage" for the participants;

(d) No person shall operate an ATV or RTV within any stream or river in the City of King City, except that ATV's or RTV's may be operated within waterways which flow within the boundaries of land which an ATV or RTV owner owns, or for agricultural purposes within the boundaries of land which an ATV or RTV owner owns or has permission to be upon, or for the purpose of fording such stream or river of the State of Missouri at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

(e) The ATV or RTV when operated shall not exceed either the posted speed limit or thirty (30) miles per hour, whichever is less, and shall be operated in accordance with all City of King City traffic ordinances;

(f) No person shall operate an ATV or RTV in any careless manner as to endanger the person or property of another;

(g) No person shall operate an ATV or RTV while under the influence of alcohol or any controlled substance;

(h) No person shall operate an ATV or RTV without a securely fastened Federal Motor Vehicle Safety Standard Number 218 ("DOT") approved safety helmet on the head of any individual who operates an ATV or RTV or who is being towed or otherwise propelled by an ATV or RTV unless the individual is at least eighteen (18) years of age;

(i) No operator of an ATV or RTV shall transport a passenger unless the ATV or RTV is manufactured to accommodate two or more passengers or is being used for agricultural or governmental purposes. If an RTV is equipped with seat belts, all occupants must wear said seat belts when the RTV is being operated; and

(j) No operator of an ATV or RTV shall operate an ATV or RTV before official sunrise or after official sunset on the day of operation, unless it is equipped with proper, sufficient lighting which would otherwise comply with Missouri law and provides sufficient lighting for operation purposes and said lighting is being utilized.

Section 4 – Operation of Utility Vehicles Unlawful, Exceptions: It shall be unlawful to operate a UTV on the streets, alleyways or highways within the City of King City, Missouri, except if: the UTV has a valid permit issued by the City of King City, Missouri and the owner of the UTV has proof of compliance with Section 5(c) of this Ordinance. If not fully complying with the above, UTV's may only be operated under the following circumstances:

- (a) UTV's operated by a governmental entity for official use;
- (b) UTV's 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;
- (c) UTV's operated for the purpose of snow removal, operated by persons issued a special permit by the City of King City; or
- (d) UTV's operated during participation of a City authorized parade or special event.

Section 5 – Rules Applying to the Operation of Utility Vehicles:

(a) When operated on a street or highway, a UTV shall have a bicycle safety flag which extends not less than seven (7) feet above the ground, OR "Slow Moving Vehicle" signage 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 day-glow in color. The reflective "Slow Moving Vehicle" signage shall be attached to the rear roof line of the UTV, but shall not obstruct the view of the operator;

(b) Any person operating a UTV on a street, alleyway, or highway in compliance with this Ordinance 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;

(c) Any person operating a UTV pursuant to an exception covered in this Section shall maintain proof of insurance coverage on said UTV in the minimum amount of \$25,000.00 for bodily injury or death to one (1) person in any one accident; \$50,000.00 for bodily injury or death of two (2) or more persons in any one accident; and \$10,000.00 because of injury to or destruction of property of others in any one accident. Proof of such insurance shall specifically list the vehicle as reference by the serial number and model year. This subsection does not apply to UTV's while being operated during participation in a City authorized parade or special event when the event carries "event insurance coverage" for the participants;

(d) No person shall operate a UTV within any stream or river in the City of King City, except that UTV's may be operated within waterways which flow within the boundaries of land which an UTV owner owns, or for agricultural purposes within the boundaries of land which an UTV owner owns or has permission to be upon, or for the purpose of fording such stream or river of the State of Missouri at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

(e) The UTV when operated shall not exceed the posted speed limit, and shall be operated in accordance with all City of King City traffic ordinances;

(f) No person shall operate a UTV in any careless manner as to endanger the person or property of another;

(g) No person shall operate a UTV while under the influence of alcohol or any controlled substance;

(h) No operator of a UTV shall transport passengers unless the UTV is manufactured to accommodate two or more passengers or is being used for agricultural or governmental purposes. If a UTV is equipped with seat belts, all occupants must wear said seat belts when the UTV is being operated; and

(i) No operator of a UTV shall operate a UTV before official sunrise or after official sunset, on the day of operation unless it is equipped with proper, sufficient lighting which would otherwise comply with Missouri law and provides sufficient lighting for operation purposes and said lighting is being utilized.

Section 6 - Operation of Golf Carts Unlawful, Exceptions: It shall be unlawful to operate a Golf Cart on the streets, alleyways or highways within the City of King City, Missouri, except if: the Golf Cart has a valid permit issued by the City of King City, Missouri and the owner of the Golf Cart has proof of compliance with Section 7(c) of this Ordinance. If not fully complying with the above, Golf Carts may only be operated under the following circumstances:

(a) Golf Carts operated by a governmental entity for official use; and

(b) Golf Carts being operated during participation in a City authorized parade or special event.

Section 7 – Rules Applying to the Operation of Golf Carts:

(a) When operated on a street or highway, a Golf Cart shall have a bicycle safety flag which extends not less than seven (7) feet above the ground, OR “Slow Moving Vehicle” signage attached to the rear roof of the vehicle, if the vehicle has a roof. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be day-glow in color. If reflective “Slow Moving Vehicle” signage should be attached to the rear roof line of the Golf Cart it shall not obstruct the view of the operator;

(b) Any person operating a Golf Cart on a street, alleyway, 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;

(c) Any person operating a Golf Cart pursuant to an exception covered in this Section shall maintain proof of insurance coverage on said Golf Cart in the minimum

amount of \$25,000.00 for bodily injury or death to one (1) person in any one accident; \$50,000.00 for bodily injury or death of two (2) or more persons in any one accident; and \$10,000.00 because of injury to or destruction of property of others in any one accident. Proof of such insurance shall specifically list the vehicle as reference by the serial number and model year. This subsection does not apply to Golf Carts while being operated during participation in a City authorized parade or special event when the event carries "event insurance coverage" for the participants;

(d) A Golf Cart shall not be operated at any time on any Federal or State highway, but may be operated upon such a highway in order to cross a portion of said highway where it intersects a municipal street. No Golf Cart shall cross any highway at an intersection where the highway being crossed has a posted speed limit of more than thirty-five (35) miles per hour;

(e) The Golf Cart shall not be operated at speeds greater than twenty (20) miles per hour and shall be operated in accordance with all City of King City traffic ordinances;

(f) No person shall operate a Golf Cart in any careless manner as to endanger the person or property of another;

(g) No person shall operate a Golf Cart while under the influence of alcohol or any controlled substance;

(h) Any person operating a Golf Cart with a passenger under the age of seven (7) years old, shall be at least eighteen (18) years of age;

(i) An operator of a Golf Cart may not carry more passengers than the Golf Cart is designed to hold, nor allow passengers to ride anywhere except up on the designated seating areas;

(j) A Golf Cart shall not be operated on a public sidewalk or in a public park; and

(k) No operator of a Golf Cart shall operate a Golf Cart before official sunrise or after official sunset unless it is equipped with proper, sufficient lighting which would otherwise comply with Missouri law and provides sufficient lighting for operation purposes and said lighting is being utilized.

Section 8 – Operation of Electric Personal Assistive Mobility Devices, Exceptions, and Rules Applying Thereto: It shall be unlawful to operate an EPAMD upon the streets, alleyways or highways of the City of King City, Missouri, except as follows:

(a) An EPAMD may be operated upon a street, sidewalk or bicycle path, except as restricted herein. Every person operating such a device shall be granted all of the rights and be subject to all of the duties applicable to a pedestrian;

(b) Persons under sixteen (16) years of age shall not operate an EPAMD except for an operator with a mobility-related disability;

(c) An EPAMD shall be operated only on roadways with a speed limit of forty-five (45) miles per hour or less. This shall not prohibit use of such a device when crossing roadways with speed limits in excess of forty-five (45) miles per hour where such road intersects a municipal street or alleyway;

(d) Every EPAMD when in use on a roadway during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise shall be equipped with the following:

(1) 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; and

(2) 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 the vehicle's headlights at six hundred (600) feet;

and

(e) Every person operating an EPAMD at less than the posted speed limit or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as is safe, exercising due care when passing a standing vehicle or one proceeding in the same direction as the EPAMD, 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;

Section 9: Operation of Motorized Wheelchairs or Electric Mobility Devices:

It shall be unlawful to operate a Motorized Wheelchair or Electric Mobility Device up on the streets, alleyways or highways of the City of King City, Missouri, except as follows:

(a) Motorized Wheelchairs and Electric Mobility Devices may be operated only if done so by a handicapped person sixteen (16) years of age or older, with a valid driver's license or a non-driver's ID, and such operator shall follow the laws and ordinances relating to pedestrians, and shall be treated as such by motorists

(b) Motorized Wheelchairs and Electric Mobility Devices shall not be operated at any time on Federal or State highways, but may be operated on such highways where they intersect a municipal street, in order to cross the said highway. However, Motorized Wheelchairs and Electric Mobility Devices shall not be operated to cross a Federal or State highway as described above in any location where the posted speed limit of the highway is more than forty-five (45) miles per hour; and

(c) Operation of Motorized Wheelchairs and Electric Mobility Devices shall be limited to one (1) person, additional passengers are prohibited.

Section 10: Permitting of All-terrain Vehicles, Utility Vehicles and Golf Carts:

(a) Permits for the operation of All-terrain Vehicles, Recreational Off-highway Vehicles, Utility Vehicles and Golf Carts as authorized by this Ordinance, shall be issued annually and shall be due and payable on or before 1st day of April each year. There shall not be any proration of the fee for any permit issued after the date above and all permits including permits issued after the date above shall expire on the last day of March one year from the date of issuance of the permit.

(b) The City clerk shall issue a permit to the owner of one of the above vehicles upon the following conditions:

- (1) the owner shall pay a fee of \$15.00;
- (2) the owner shall be of legal age for to operate the vehicle for which a permit is sought;
- (3) the owner shall possess a valid operator's or chauffer's license if required by this ordinance and shall additionally provide proof of any other license(s) required by Missouri law;
- (4) the owner shall produce and provide a photo copy of the certificate of registration for any vehicle required to be registered by the State of Missouri. In the event the vehicle is not required to be registered by the State of Missouri, the owners shall instead provide a copy of the bill of sale for the vehicle to the current owner; and
- (5) the owner shall produce and provide a photocopy of proof of compliance with any provision of this Ordinance requiring insurance coverage for the vehicle.

(c) Upon issuance of the permit, the owner shall display the permit decal on the vehicle in a clearly visible location and maintain all required safety equipment, flags, signs and other such items as may be required by City ordinance or State law.

(d) Upon compliance with the above requirements, the City Clerk shall issue a sequentially numbered permit, keeping a permanent record in the form of an application signed by the individual. Said application shall include the following:

- (1) the owner's name and address;
- (2) a photocopy of the owner's operator's or chauffer's license, if required by this Ordinance for operation of the vehicle;
- (3) the owner shall produce and provide a photo copy of the certificate of registration for any vehicle required to be registered by the State of Missouri. In the event the vehicle is not required to be registered by the

State of Missouri, the owners shall instead provide a copy of the bill of sale for the vehicle to the current owner


- (4) the number reflected on the decal issued to the owner;
- (5) a photocopy of proof of compliance with any provision of this Ordinance requiring insurance coverage for the vehicle; and
- (6) the owner's signature

Section 11: Penalty: Unless otherwise expressly prescribed herein, any person violating any provision of this Ordinance shall, upon conviction, be punished by a fine not to exceed \$ _____, a period of incarceration not to exceed _____ days, or both such fine and incarceration.

Section 12: All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed in so far as a conflict herewith.

Section 13: This Ordinance shall be in full force and effect from and after its passage and approval.

Section 14: Passed and adopted by the Board of Aldermen of the City of King City, State of Missouri on the 13th day of February, 2017.



Mayor

ATTEST:



City Clerk