

**AN ORDINANCE OF THE CITY OF WARRENTON REGULATING THE OPERATION OF MOTORIZED WHEELCHAIRS, GOLF CARTS, LOW SPEED VEHICLES, ALL TERRAIN VEHICLES, UTILITY VEHICLES AND RECREATIONAL OFF-HIGHWAY VEHICLES ON CITY STREETS.**

**WHEREAS**, the Mayor and Board of Aldermen of the City hereby determine that it is necessary in the interest of public safety to regulate the operation of motorized wheelchairs, golf carts, low speed vehicles, all terrain vehicles, utility vehicles and recreational off-highway vehicles on City streets and highways.

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

**SECTION I.** Section 300.010 of the municipal code of the City of Warrenton, Missouri (the "City"), titled "Definitions", is hereby amended by the addition of the following words and phrases:

**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 miles an hour.

**Low Speed Vehicle** – a low speed vehicle shall include any vehicle as defined by Section 304.029 RSMo and 49 CR, 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 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 more non-highway tires and which may have access to ATV trails.

**SECTION II.** Section 300.010 of the municipal code of the City, titled definitions, is hereby amended by the replacement of the definition for "utility vehicle" with the following words and phrases:

**Utility Vehicle** – 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.

**SECTION III.** Section 340.110 of the municipal code of the City is hereby replaced in its entirety with the following words and phrases:

**Section 340.110 All Terrain Vehicles, Utility Vehicles, Golf Carts and Recreational Off-Highway Vehicles Prohibited.**

No person shall operate an all-terrain vehicle, utility vehicle, golf cart or recreational off-highway vehicle upon the streets or highways of the City, except vehicles owned and operated by a governmental entity for official use.

**SECTION IV.** Section 340.115 of the municipal code of the City is hereby replaced in its entirety with the following words and phrases:

**Section 340.115 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 miles per hour.
  7. A LSV without a roof shall have a bicycle flag, which extends not less than seven 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 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 Warrenton, 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 passengers per bench seat shall be allowed; or, those younger than sixteen 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 miles per hour or less, and then only to directly cross a portion of a state highway system which intersects a municipal 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 Section L below.
2. Proof of registration issued by the City of Warrenton in the form of a receipt for registration and an identification 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 two years, 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 fifty dollars for each two-year LSV registration and/or renewal.
4. 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 shall maintain a form of "certificate of satisfactory inspection" which will list the inspection requirements as provided below. The City 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 on each side as far to rear as practicable and one 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 square inches) extending not less than seven feet above the ground if the neighborhood vehicle is not equipped with a roof.
  - l. That the LSV operates on at least four wheels.
  - m. Not less than two 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 City qualified inspector may issue a signed certificate of satisfactory inspection.

**SECTION V.** Chapter 340 of the municipal code of the City is hereby amended by the addition of a new section 304.117, titled "Operation of Motorized Wheelchairs on Streets and Highways of the City", with the following words and phrases:

**304.117 Operation of Motorized Wheelchairs on the Streets and Highways of the City.**

No person shall operate a motorized wheelchair in a careless or imprudent manner, or in any negligent manner which endangers any person or property, or unreasonably obstructs, hinders or impedes lawful course of travel of any other motor vehicle, or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways or parks. No motorized wheelchair may be operated on any numbered Federal or State Highway except to cross at the intersection of a City street in accordance with traffic controls.

**SECTION VI.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION VII.** This Ordinance shall take effect and be in full force from and after the passage and approval thereof.

**SECTION VIII.** Each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof. In the event that any part of this Ordinance shall be determined to be unlawful or unconstitutional, the remaining parts, sections and subsections shall remain in full force and effect.

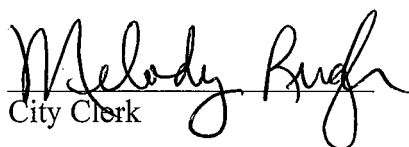
READ TWO TIMES AND PASSED by the Board of Aldermen of the City of Warrenton, Missouri, this 5<sup>th</sup> day of June, 2018.

  
President of the Board of Aldermen

APPROVED BY THE MAYOR of the City of Warrenton, Missouri, this 5<sup>th</sup> day of June, 2018.

  
Mayor

ATTEST:

  
City Clerk