

ORDINANCE NO. 3934

AN ORDINANCE OF THE CITY OF CLINTON IN HENRY COUNTY MISSOURI, CREATING NEW SECTIONS IN ARTICLE I OF CHAPTER 28, TRAFFIC AND MOTOR VEHICLES, TO ALLOW THE USE OF UTILITY TASK VEHICLES AND GOLF CARTS ACCESS TO STREETS AND HIGHWAYS WITHIN THE CITY OF CLINTON.

Section 1. The Mayor and City Council are hereby authorized to amend Section 28-1, Definitions, of Article I, In General, of Chapter 28, Motor Vehicles and Traffic, by adding the following definitions:

Utility Task Vehicle, also known as: *UTV*, means any motorized vehicle manufactured and used exclusively for off-highway use and is between fifty inches and sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels.

Golf cart means 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 per hour.

Section 2. The Mayor and City Council are hereby authorized to adopt the following new Sections:

Sec. 28-22 Utility Task Vehicle (UTV) – prohibited on streets, highways, rivers or streams of this City – exceptions – operational requirements – prohibited uses – penalty.

- (a) No person shall operate a UTV, as defined in Section 28-1, upon the streets and highways of this City, except as follows:
1. UTVs owned and operated by a governmental entity for official use;
 2. UTVs operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
 3. UTVs operated by handicapped persons for short distances occasionally only on the City's streets when operated between the hours of sunrise and sunset;
 4. UTVs whose licensed operators carry a special permit issued by the City pursuant to Section 7-340.1.
- (b) No person shall operate a UTV, as defined in Section 7-1., within any stream or river in this City, except that UTVs may be operated within waterways which flow within

the boundaries of land which a UTV operator owns, or for agricultural purposes within the boundaries of land which a UTV 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 street and city highway system. All law enforcement officials or peace officers of this City shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

- (c) A person operating a UTV on a city street or 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 pursuant to subdivision (3) of 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 thirty (30) miles per hour. When operated on a city street or highway within the city, a UTV 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 a UTV on any park lands of the City of Clinton, Missouri, except those operated by a governmental unit for official use.
- (e) No person shall operate a UTV that is not properly equipped with headlights, tail lights, brake lights, and turn signals.
- (f) No person shall operate a UTV:
 - 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;
 - 3. Without a securely fastened safety helmet on the head of an individual who operates a UTV or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age;
 - 4. Without a valid City permit affixed to the rear of the UTV in a clearly visible location;
 - 5. Without valid insurance on the UTV for operation on public roads;
 - 6. On any state or federal highway, except any state highway with a posted speed limit of thirty-five (35) miles per hour or except to cross a portion of a state highway system which intersects a municipal street; or
 - 7. In a manner which disturbs the public peace as detailed in Sec. 8-36 of the City of Clinton Code.
- (g) No operator of a UTV shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any UTV in which the seat of such vehicle is designed to carry more than one person.

- (h) A violation of this section shall be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment for a period of not exceeding fifteen (15) days or by both such fine and imprisonment.

Sec. 28-22.1 UTV vehicle permits and registration.

(a) The City Clerk shall hereby be designated as the City Official with the authority to issue special use permits for UTVs on a form prescribed and approved by the City Clerk and City Administrator within the City and a fifteen dollar (\$15.00) fee shall be collected by the official upon issuance of the permit. No permit shall be issued until the fee is paid. Within five (5) days after the receipt of said fees, the official shall deposit the fees in the General Fund of the City. The permit shall be valid for two years.

(b) No person shall operate a UTV until and unless it has been registered with the City Clerk and to register it they must also provide proof of financial responsibility, covering the UTV to be registered, for operation on public roads with no less than the minimal insurance amounts as set forth by Missouri Revised Statutes as they may be amended from time to time.

Sec. 28-23 Golf carts, operation on city streets.

(a) Requirements for operating golf carts on City streets, roads or alleyways within the City:

1. Any individual operating a golf cart shall have a valid operator's or chauffeur's license, but is not required to pass an examination for the operation of a motorcycle.
2. The golf cart shall be properly insured and such proof of insurance shall specifically list the vehicle as referenced by the serial number and year of model.
3. Any individual under the age of eighteen (18) operating a golf cart or riding as a passenger on a golf cart shall wear a securely fastened safety helmet on his or her head.
4. The golf cart shall be operated at a speed of less than twenty (20) miles per hour.
5. The golf cart 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 flag shall be day-glow colored and shall be triangular shaped, with an area not less than thirty (30) square inches.

(b) No individual operating a golf cart on city streets, roads or alleyways shall:

1. Operate the golf cart in any careless or imprudent manner so as to endanger any person or property of any person;
2. Operate the golf cart while under the influence of alcohol or controlled substance;

3. Operate a golf cart between the hours of official sunset and sunrise unless the golf cart is properly equipped with headlights, tail lights, brake lights and turn signals;
 4. Operate a golf cart on a street with a posted speed limit of thirty-five (35) miles per hour; except operation for the purpose of crossing a portion of a street with a posted speed limit of thirty-five (35) miles per hour which intersects a municipal street;
 5. Operate the golf cart at any time on any state or federal highway, except to cross a portion of the state highway system which intersects a municipal street;
 6. Operate a golf cart shall cross any highway at an intersection where the highway being crossed has a posted speed limit of more than forty-five (45) miles per hour;
 7. Operate the golf cart without a valid City permit affixed to golf cart on the rear bumper;
 8. Without valid insurance on the golf cart for operation on public roads;
 9. Disturb the public peace as detailed in Sec. 8-36 of the City of Clinton Code; or
 10. Carry passengers:
 - a. In excess of the maximum number of designed seating for the golf cart; no more than two (2) total persons per bench seat shall be allowed.
 - b. Younger than sixteen (16) years in age unless the operator is the legal guardian of the passenger(s).
- (c) A violation of this section shall be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment for a period of not exceeding fifteen (15) days or by both such fine and imprisonment.

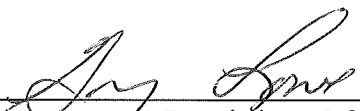
Sec. 28-23.1 Golf cart permits and registration.

- (a) The City Clerk shall hereby be designated as the City Official with the authority to issue special use permits for golf carts on a form prescribed and approved by the City Clerk and City Manager within the City and a fifteen dollar (\$15.00) fee shall be collected by the official upon issuance of the permit. No permit shall be issued until the fee is paid. Within five (5) days after the receipt of said fees, the official shall deposit the fees in the general fund of the City. The city permit shall be valid for two years.
- (b) No person shall operate a golf cart until and unless it has been registered with the City Clerk and to register a person must also provide proof of financial responsibility, covering the golf cart to be registered, for operation on public roads with no less than the minimal insurance amounts as set forth by Missouri Revised Statutes as they may be amended from time to time.

Read for the first time this 16th day of August, 2016.

Read a second time and approved this 6th day of September, 2016.

Bill No. 2016-12
Ordinance No. 3934



Greg Lowe, Presiding Officer

ATTEST:

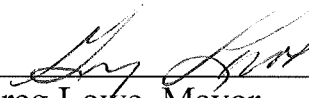
Ayes -8- Gene Henry, Roger House, Cameron Jackson,
Carla Moberly, Rick Pereles, Debbie Smith, Daniel Wilson and
Dustin Zaugg.

Nays -0-

Absent/Not Voting -0-



Kelly F. Harrelson, City Clerk



Greg Lowe, Mayor