

**IN THE CITY OF HOLTS SUMMIT, MISSOURI**

**BILL NO. 2019-09**

**ORDINANCE NO. 2712**

**AN ORDINANCE TO REGULATE THE USE OF UTILITY TASK VEHICLES AND GOLF CARTS ON THE CITY STREETS**

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

WHEREAS, the Board of Aldermen deems it to be in the best interests of the health, safety, and welfare of the citizens of Holts Summit, Missouri, to regulate the use on City Streets of Utility Task Vehicles (UTVs) and golf carts, and to limit the streets upon which same may be lawfully operated.

The Board of Aldermen does hereby adopt the following Sub-Chapter to Chapter 76 of the City Code of the City of Holts Summit, Missouri.

**Chapter 76 – Subchapter D-6 – UTVs and Golf Carts**

**76.455 Definitions.** For purposes of this Chapter, the following terms shall have the following meanings:

1. Utility Task Vehicle, also known as UTV – 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, and having a row of not less than two side by side seats or bench seating for not less than two in the front of said vehicle.
  
2. Golf Cart- A motor vehicle that was originally designed and manufactured for operation on a golf course for sporting or recreational purposes, whether gas or electric, and that is not capable of exceeding speeds of twenty miles per hour. This term shall apply to modified versions of golf carts as well.

**76.460 OPERATION OF A UTILITY TASK VEHICLE (UTV):**

1. No person shall operate a UTV, as defined in Section 1 above, upon the streets or highways of this City, except as follows:

- a. UTVs may only be lawfully operated as allowed herein on streets with a posted speed limit of 35 miles per hour or less. Operation of a UTV on any street or highway with a speed limit of greater than 35 miles per hour shall be a violation of this Chapter.

b. UTVs owned and operated by a governmental entity for official use shall be exempt from the terms of this Chapter.

c. UTVs may only be operated, as allowed herein, if the owner thereof shall have applied for an obtained a special permit issued by the City. The City Administrator is hereby authorized and charged with developing an application for use by any such person desiring to operate a UTV as contemplated herein, and to set an appropriate fee, for the privilege to so operate a UTV.

d. Any person operating a UTV pursuant to this Chapter shall have a valid operator's license but shall not be required to have passed an examination for the operation of a motorcycle. All persons who have disabilities that prevent them from obtaining a motor vehicle operator's license are hereby permitted to operate a UTV as contemplated herein, provided that they acquire and deliver to the City a letter from a licensed physician stating that the person applying has the capability of operating a UTV in a safe manner. This exception shall not apply to any person who, at the time of their application hereunder, has had their operator's license suspended or revoked and is therefore ineligible to obtain an operator's license.

e. Each UTV operated hereunder shall be protected by liability insurance in an amount equal to the State of Missouri minimum liability coverage for motor vehicle operation, and such proof of insurance shall specifically list the vehicle as referenced by the serial number, model and year of the UTV. Proof of insurance shall be provided to the City Clerk when applying for licensure hereunder and kept in the vehicle at all times of operation hereunder. Failure to maintain, carry or display such liability insurance shall be a violation of this Chapter.

f. UTVs shall be operated at no greater than 35 miles per hour.

g. UTV operators shall abide by all traffic law of the State of Missouri and City of Holts Summit, Missouri.

2. It shall be a violation of this Chapter for any person operating a UTV on City streets, roads or alleyways to:

a. Operate the UTV in a careless or imprudent manner so as to endanger any person or property.

b. Operate a UTV while under the influence of alcohol or any controlled substance.

c. Operate a UTV with any open container of alcohol within the UTV.

d. Operate a UTV on any park lands of the City of Holts Summit, Missouri, except those UTV's operated by a governmental unit for a specific use.

e. Operate a UTV between the hours of official sunset and sunrise unless the UTV is properly equipped with headlights, taillights, brake lights and turn signals.

f. Operate a UTV without a valid City permit affixed to the left rear of the UTV in a clearly visible location.

g. Carry passengers in excess of the maximum number of designed seating for the UTV; no more than two passengers per bench seat shall be allowed; those younger than 16 years of age shall not ride in any UTV unless accompanied by their parent or legal guardian.

h. In a manner which disturbs the public peace as described in the City of Holts Summit Municipal Code.

**76.465 OPERATION OF A GOLF CART:**

1. No person shall operate a golf cart, as defined in Section 1 above, upon the streets or highways of this City, except as follows:

a. Golf carts may only be lawfully operated as allowed herein on streets with a posted speed limit of 25 miles per hour or less. Operation of a golf cart on any street or highway with a speed limit of greater than 25 miles per hour shall be a violation of this Chapter.

b. Golf carts owned and operated by a governmental entity for official use shall be exempt from the terms of this Chapter.

c. Golf carts may only be operated, as allowed herein, if the owner thereof shall have applied for an obtained a special permit issued by the City. The City Administrator is hereby authorized and charged with developing an application for use by any such person desiring to operate a golf cart as contemplated herein, and to set an appropriate fee for the privilege to so operate a golf cart on City streets.

d. Any person operating a golf cart pursuant to this Chapter shall have a valid operator's license but shall not be required to have passed an examination for the operation of a motorcycle. All persons who have disabilities that prevent them from obtaining a motor vehicle operator's license are hereby permitted to operate a golf cart as contemplated herein, provided that they acquire and deliver to the City a letter from a licensed physician stating that the person applying has the capability of operating a golf cart in a safe manner. This exception shall not apply to any person who, at the time of their application hereunder, has had their operator's license suspended or revoked and is therefore ineligible to obtain an operator's license.

e. Each golf cart operated hereunder shall be protected by liability insurance in an amount equal to the State of Missouri minimum liability coverage for motor vehicle operation, and such proof of insurance shall specifically list the vehicle as referenced by the serial number, model and year of the golf cart. Proof of insurance shall be provided to the City Clerk when applying for licensure hereunder and kept in the vehicle at all times of operation hereunder. Failure to maintain, carry or display such liability insurance shall be a violation of this Chapter.

f. Golf carts shall be operated at no greater than 25 miles per hour.

g. Golf cart operators shall abide by all traffic law of the State of Missouri and City of Holts Summit, Missouri.

2. It shall be a violation of this Chapter for any person operating a golf cart on City streets, roads or alleyways to:

a. Operate the golf cart in a careless or imprudent manner so as to endanger any person or property.

b. Operate a golf cart while under the influence of alcohol or any controlled substance.

c. Operate a golf cart with any open container of alcohol within the golf cart.

d. Operate a golf cart on any park lands of the City of Holts Summit, Missouri, except those operated by a governmental unit for a specific use.

e. Operate a golf cart between the hours of official sunset and sunrise unless the golf cart is properly equipped with headlights, taillights, brake lights and turn signals.

f. Operate a golf cart without a valid City permit affixed to the left rear of the golf cart in a clearly visible location.

g. Carry passengers in excess of the maximum number of designed seating for the golf cart; no more than two passengers per bench seat shall be allowed; those younger than 16 years of age shall not ride in any golf cart unless accompanied by their parent or legal guardian.

h. In a manner which disturbs the public peace as further described in the City of Holts Summit Municipal Code.

#### **76.470 Inspection, Permits and Registration**

A. Prior to operating a UTV or golf cart on a city street as contemplated herein, except to travel to the point of inspection, each such vehicle must be inspected by the City of Holts Summit Police Department. The inspection shall be conducted to ensure that all regulations and safety requirements as promulgated by the Board of Aldermen and / or City Administrator are met.

B. The City Clerk shall be designated as the City Official with the authority to issue special use permits for UTVs and golf carts as allowed in this Chapter. A twenty-dollar (\$20.00) fee shall be collected upon the issuance of each such permit, which shall allow for operation under the terms of this Chapter for two years form the date of issuance. No such permit shall be issued without presentation of an inspection from the City of Holts Summit Police Department as described in Section A, proof of valid insurance upon said vehicle, and the fee. All fees collected hereunder shall be deposited into the City's General Fund.

**76.475 Violations.** Any person found to be in violation of any provision contained herein shall be subject to a fine of not more than Five Hundred Dollars (\$500) per violation, in addition to the revocation of any permit issued hereunder for operation of a golf cart and / or UTV under the terms of this Chapter for up to one year.

This Ordinance shall be in full force and effect from and after its passage.

FIRST READING held this 14<sup>th</sup> day of MARCH 2019.

SECOND READING and final passage held this 9th day of APRIL 2019.

**ATTEST:**

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Landon Oxley, Mayor

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Brittany Berhorst, Acting City Clerk