

BILL NO: 9767

ORDINANCE NO: 9767

AN ORDINANCE AMENDING SECTIONS 40-800 AND 40-802 RELATING TO RECREATIONAL OFF-HIGHWAY VEHICLES AND GOLF CARTS.

WHEREAS, Sections 40-800 and 40-802 of the Moberly City Code provide for the use and regulation of Recreational off-highway vehicles (ROHV) and golf carts (Carts"); and

WHEREAS, when these sections were originally adopted, Randolph County was also permitting ROHVs and Carts and City Staff elected not to enforce the permitting of these vehicles in the Moberly City Limits; and

WHEREAS, Randolph County no longer permits ROHVs or Carts and before the City of Moberly begins requiring permits for in-town use certain changes to Sections 40-800 and 40-802 need to be enacted for safety and efficiency.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBERLY, MISSOURI TO WIT:

SECTION ONE: Chapter 40, Article XIII, Section 40-800 is hereby amended to read as follows:

Sec. 40-800. Recreational off-highway vehicles and Golf Carts.

- (a) A recreational off-highway vehicle (ROHV) is any motorized vehicle manufactured and used exclusively for off-highway use which is more than 50 inches but no more than 67 inches in width, with an unladen dry weight of 2,000 pounds or less, traveling on four or more nonhighway tires and which may have access to ATV trails.
- (b) A city permit allows access to all city streets, roads and highways within the city limits of Moberly.
- (c) **Requirements for operating a ROHV within the city:**
 - 1. Operator 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. ROHVs must have a fully functional roll over protection bar and seat belts for operator and all passengers, headlights, taillights, brake lights, turn signals and rearview mirror(s);
 - 3. ROHVs shall not exceed the posted speed limits;
 - 4. Seat belts must be worn at all times when the vehicle is being operated on public roadways;
 - 5. ROHVs shall not be operated in any careless or imprudent manner so as to endanger any person or property of any person;
 - 6. ROHV operators shall not be under the influence of alcohol or controlled substance; and
 - 7. ROHVs shall not be operated without a valid and affixed city permit in a clearly visible location on the rear of the ROHV.
- (d) **Requirements for operating a Golf Cart within the city:**
 - 1. Operators shall have a valid operator's or chauffeur's license, but are not required to pass an examination for the operation of a motorcycle;
 - 2. Golf Carts shall not be operated in any careless or imprudent manner so as to endanger any person or property of any person;
 - 3. Operators shall not operate a Golf Cart while under the influence of alcohol or controlled substances;

4. Golf Carts operated on public streets must have headlights, taillights, brake lights, turn signals and rear view mirror(s);
5. No Golf Cart shall be operated on any federal, state or county highways, except a perpendicular crossing of such roads at an intersection, that has a posted speed of 45 miles per hour, or less;
6. No Golf Cart shall cross any federal or state highway at an intersection where the highway being crossed has a posted speed limit of greater than 45 miles per hour;
7. Golf Carts shall not be operated without a valid and affixed city permit in a clearly visible location on the rear of the golf cart;
8. Operators must be at least 18 years of age to carry any passengers under the age of seven years;
9. No Golf Cart shall carry persons in excess of the maximum number of designated seatings for the cart.
10. Golf Carts must have an above the ground or slow-moving vehicle signage attached to the rear of the vehicle. A flag shall be day-glow colored and shall be triangular shaped, with an area not less than 30 square inches.

SECTION TWO: Chapter 40, Article XIII, Section 40-802 is hereby amended to read as follows:

Sec. 40-802. Permits, registration and inspection.

- (a) The City Collector shall hereby be designated as the city official with the authority to issue special use permits for operations of ROHVs and Golf Carts on city roadways on a form prescribed and approved by the City Collector. Proof of financial responsibility meeting at least the minimum insurance amount set by Missouri Revised Statutes as they may be amended from time to time shall be provided at registration and maintained at all times. A \$15 annual fee shall be collected for the issuance of the permit due on July 1 of each year. No permit shall be issued until the fee is paid, and an annual inspection is completed by ROHVs or an affidavit completed for Golf Carts. The City Treasurer shall deposit the fees into the General Fund of the city.
- (b) No person shall operate a ROHV or Golf Cart upon city roadways until it has been registered with the City Collector.
- (c) No person shall operate a ROHV upon city roadways until it has passed inspection to confirm the required safety equipment is in place and functional. Upon satisfactory inspection, the inspector will affix a permit sticker on the rear of the vehicle.


SECTION THREE: This ordinance shall be in full force and effect upon passage by the City Council.

PASSED AND ADOPTED by the Council of the City of Moberly, Missouri, this 29th day of June, 2023.



Presiding Officer at Meeting

ATTEST:



Shannon Hance, MRCC, City Clerk

City of Moberly

City Council Agenda Summary

Agenda Number: #12

Community

Department: Development

Date: June 29, 2023

Agenda Item: An Ordinance Amending Sections 40-800 And 40-802 Relating To Recreational Off-Highway Vehicles And Golf Carts.

Summary: The City of Moberly has an existing ordinance allowing golf carts and ROHV (Recreational Off-Highway Vehicles) the ability to drive on streets within the City Limits with specific requirements since 2018. The County passed similar regulations at the same time and we chose to allow people that acquired the County permit to operate in the City as well. The County has dropped that program as of June 30th, and people with these vehicles that have permits expiring are wanting to get new permits, so they are coming to the City for permits.

Based on our experience, we are recommending some modifications to help with some of the minor issues before we start issuing the permits in Moberly. Below are some of the Concerns & Recommendations from staff;

C - Previously, no inspections of vehicles required, so many people said they had turn signals, lights, etc. when in fact they didn't.

R - ROHV's are the ones that can go anywhere, and are higher speeds. They will be required to take the vehicle to the Street Maintenance facility for review of safety features, upon approval staff will install the permit sticker on the rear in a visible location. Golf carts are not able to be driven to the Street maintenance facility for inspection and many owners don't have trailer. Police are recommending the Affidavit format to address these.

C - Vehicles not permitted, not having required equipment driving around town

R - Staff will be installing the permit stickers on the back of ROHV's during inspection, we are trying to get higher visibility stickers. If permits are not visible, PD can issue tickets and revoke ability to apply for a new permit for 1 year.

C - Underage/unlicensed drivers operating golf carts on streets or r/w.

R - Nothing will completely stop this, however applicants will be required to complete an affidavit assuring the golf carts have required equipment and that unlicensed drivers cannot operate the golf cart on the streets or r/w's within the City Limits, and if found in violation they would lose their permit for 1 year.

Other modifications included clarifying the terms specifically for golf carts and ROHV's as they have different safety/equipment requirements and access to roadways.

The state sets the maximum fee of \$15, which is what we have in our ordinance and we have new permit stickers ordered for 2023/24 so that we could issue permits immediately under the current ordinance or the proposed modified ordinance, if approved.

Recommended

Action: Approve this resolution

Fund Name: N/A

Account Number: N/A

Available Budget \$: N/A

ATTACHMENTS:

<input type="checkbox"/> Memo	<input type="checkbox"/> Council Minutes
<input type="checkbox"/> Staff Report	<input checked="" type="checkbox"/> Proposed Ordinance
<input type="checkbox"/> Correspondence	<input type="checkbox"/> Proposed Resolution
<input type="checkbox"/> Bid Tabulation	<input type="checkbox"/> Attorney's Report
<input type="checkbox"/> P/C Recommendation	<input type="checkbox"/> Petition
<input type="checkbox"/> P/C Minutes	<input type="checkbox"/> Contract
<input type="checkbox"/> Application	<input type="checkbox"/> Budget Amendment
<input type="checkbox"/> Citizen	<input type="checkbox"/> Legal Notice
<input type="checkbox"/> Consultant Report	<input type="checkbox"/> Other

Roll Call

Aye

Nay

Mayor

M___ S___ **Brubaker**

Council Member

M___ S___ **Lucas**

M___ S___ **Kimmons**

M___ S___ **Jeffrey**

M___ S___ **Kyser**

Passed

Failed