

BILL NO: 9467

ORDINANCE NO: 9467

**AN ORDINANCE OF THE CITY OF MOBERLY, MISSOURI REPEALING ORDINANCE NO. 9499 AND ENACTING A NEW ARTICLE XIII TO CHAPTER 40 OF THE CODE OF ORDINANCES PERTAINING TO AND DEALING WITH RECREATIONAL OFF-HIGHWAY VEHICLES (ROHV) AND GOLF CARTS, THEIR OPERATION, REGISTRATION, LICENSING AND USES; PROVIDING FOR A PENALTY FOR VIOLATIONS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, the Missouri General Assembly has enacted laws the regulate all ROHV and golf carts; and enables all cities to enact their own regulations not in conflict therewith; and

**WHEREAS**, the City Council of Moberly, Missouri has deemed it appropriate to enact ordinances regulating the use, operation, license, regulation, and insurance of ROHVs and golf carts; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MOBERLY, MISSOURI, AS FOLLOWS:**

**SECTION ONE:** Section 1. There is hereby enacted in the Code of Ordinances of the City of Moberly, Missouri the following Chapter 40, Article XIII and subsequent sections dealing with ROHVs and golf carts to read as follows:

**ARTICLE XIII. ROHV's and GOLF CARTS**

**Sec. 40-800 Recreational Off-Highway Vehicles.**

1. Definition: 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 nonhighway tires and which may have access to ATV trails (RSMo 301.010)
2. The City and/or Randolph County permit allows access to all streets, roads and highways within the City Limits of Moberly.
3. Requirements for operating a ROHV within the City:
  - a. Any individual operating a ROHV shall have a valid operator's or chauffeur's license, but is not required to pass an examination for the operation of a motorcycle;
  - b. Any individual operating a ROHV shall be at least sixteen (16) years of age;
  - c. A ROHV must have a fully functional roll over protection bar and seat belts for operator and all passengers;
  - d. ROHV shall be operated at the posted speed limits
  - e. Seat belts must be worn at all times when vehicle is being operated on public roadways.

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.

3. No individual operating a golf cart shall:
  - a. Operate the golf cart in any careless or imprudent manner so as to endanger any person or property of any person;
  - b. Operate the golf cart while under the influence of alcohol or controlled substance;
  - c. Operate a golf cart on public streets without headlights, tail lights, brake lights, turn signals and rearview mirror(s);
  - d. Operate the golf cart on any federal, state or county highways, except to cross (i.e. Hwy 63, Bus. 63, Hwy. 24, Rt. M, Rt. EE, Rt. DD & Rt. JJ, and outer roads);
  - e. No golf cart shall cross any federal or state highway at an intersection where the highway being crossed has a posted speed limit in excess of forty-five miles per hour;
  - f. Operate the golf cart without a valid city and/or Randolph County permit in a clearly affixed in a visible location on the rear of the golf cart;
  - g. Carry passengers:
    - i. In excess of the maximum number of designed seating for the golf cart.
    - ii. Any individual operating a golf cart with a passenger under the age of seven years must be at least 18 years of age.

#### **Sec 40-802. Permits and Registration.**

1. The City Collector shall hereby be designated as the City official with the authority to issue special use permits for utility vehicles and golf carts on a form prescribed and approved by the City Collector and City Administration within the city and a \$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 days after the receipt of said fees, the official shall deliver the same to the City Treasurer who shall deposit the fees in the general fund of the City.
2. No person shall operate a ROHV vehicle or golf cart until and unless it has been registered with the City Collector and to register a person must also provide proof of financial responsibility covering the operation of any ROHV or golf cart on public roads with minimal insurance amounts set forth by Missouri Revised statutes as they may be amended from time to time.

#### **Sec. 40-803. Penalties**

Any person, firm, corporation or individual violating any of the provisions of the Chapter 40, shall be subject to fine and imprisonment as set for Section 1-13 (General Penalty Section) of the Code of Ordinances of the City of Moberly, Missouri.

Section 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict hereby repealed.

Section 3. If any clause, word, paragraph, section or other part or portion of this ordinance is held to be invalid, illegal, unlawful, or unconstitutional for any reason, the City Council hereby declares it would nevertheless have enacted the remaining portions thereof; and such remaining portions shall remain in full force and effect.

Section 4. This ordinance shall be in full force and effect from and after the date of publication of this ordinance as provided in the City Code of the City of Moberly, Article XIII, Section 40 and the City Clerk is directed to so publish.

**PASSED AND ADOPTED** by the Council of the City of Moberly, Missouri, this 16 day  
of July, 2018.

**ATTEST:**

OK Galloway  
City Clerk

  
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Presiding Officer at Meeting