

BILL NO. 311 ORDINANCE NO: 311

**AN ORDINANCE OF THE CITY OF ARCHIE, MISSOURI, PROVIDING FOR THE
LAWFUL OPERATION OF NON-TRADITIONAL VEHICLES AND PROSCRIBING
REGULATIONS REGARDING THE SAME.**

WHEREAS, the City of Archie Board of Aldermen (“City”) desires to allow and regulate, in manner consistent with state law, the use of non-traditional vehicles, specifically all-terrain vehicles, utility vehicles, recreational off-highway vehicles, golf carts, motorized bicycles, auto cycles, and low speed vehicles on the streets and alleys of the City of Archie in such a manner that it offers residents the opportunity to utilize the unique character, features, and layout of the City without compromising the health, safety, and general welfare of the public or creating a nuisance; and

WHEREAS, the City is empowered by various statutes to allow for the operation of certain non-traditional vehicles and to proscribe limited rules and regulations regarding the same, including § 304.013 RSMo regarding all-terrain vehicles, § 304.032 RSMo regarding utility vehicles, § 304.033 regarding recreational off-highway vehicles, § 304.029(8) RSMo regarding low speed vehicles, and § 304.034 RSMo regarding golf carts; and

WHEREAS, the City is bound by state statute regarding certain non-traditional vehicles, including § 304.005 RSMo regarding autocycles, § 307.195 RSMo regarding motorized bicycles, and portions of the aforementioned statutes as they pertain to their subject matter vehicles; and

WHEREAS, pursuant to §79.110, RSMo., the City “shall have the power to enact and ordain any and all ordinances not repugnant to the constitution and laws of the his state, and such as they shall deem expedient for the good government of the city, the preservation of peace and good order, the benefit of trade and commerce and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same;” and

WHEREAS, the City finds that it is in the interest of public safety and the efficient enforcement of public safety ordinances that operation of non-traditional vehicles shall be subject to one unified ordinance in harmony with state statutes.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE
CITY OF ARCHIE, MISSOURI, THE FOLLOWING:**

SECTION 1. Definitions:

1. “All-terrain vehicle” - any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;
2. “Autocycle” - a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a

steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards;

3. "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 per hour;

4. "Low Speed Vehicle" A motor vehicle having exactly four wheels and having an attainable speed within one mile of at least twenty miles per hour but not more than twenty-five miles per hour on a paved level surface, and having a GVWR less than or equal to three thousand pounds;

5. "Motorized bicycle" - any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

6. "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 nonhighway tires and which may have access to all-terrain vehicle trails;

7. "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 2. City Permit Required – Certain Vehicles – Revocation

1. No person shall operate an all-terrain vehicle, a golf cart, a recreational off-highway vehicle, or a utility vehicle (collectively "Permit Vehicles") upon the streets and alleys of this City, except as follows:

- (1) Permit vehicles owned and operated by a governmental entity for official use;
- (2) Permit vehicles owned and operated for agricultural purposes or industrial on-premises purposes;
- (3) Permit vehicles owned and operated by handicapped persons for short distances;
- (4) Permit vehicles subject to a valid City permit as authorized by this Ordinance.

2. A City permit for a Permit Vehicle shall be issued by the City Clerk:

- (1) Upon a finding by the Chief of Police or his designee that the Permit Vehicle complies with state statutes and City ordinances pertaining to the type of Permit Vehicle for which the City Permit is requested, concerning:
 - A. Adequacy of Permit Vehicle(s) safety equipment; and
 - B. Adequacy of Permit Vehicle(s) operational fitness.
- (2) Upon a finding by the Chief of Police or his designee that the Permit Vehicle owner has complied with state statutes and City ordinances concerning:
 - A. Registration of the Permit Vehicle(s);

B. Procurement of valid and adequate proof of financial responsibility for the Permit Vehicle(s); and

C. Procurement of an appropriate driver's license or operator's permit necessary to lawfully operate the Permit Vehicle;

(3) Upon a finding by the Chief of Police or his designee that the Permit Vehicle(s) owner has not had a City permit for a Permit Vehicle revoked in the preceding twelve (12) months; and

(4) Payment to the City Clerk of a fifteen dollar (\$15.00) fee.

3. City permits shall be issued to a specific ~~vehicle operator.~~

4. City permits shall be enduring unless such permit is revoked pursuant to the provisions of this Ordinance.

5. City permits shall be revoked if:

(1) The operator is found to be guilty of any three (3) violations of this Ordinance, or any other traffic ordinance while operating the Permit Vehicle, within a twelve (12) month period; or

(2) The operator is found to be guilty of operating a permit vehicle while intoxicated.

6. Persons that have had a City permit revoked shall be unable to apply for a new permit for a period of twelve (12) months.

SECTION 3. Golf Carts – Regulation of Operation – Financial Responsibility

1. Golf Carts may be operated on streets subject to the City's jurisdiction, subject to the following limitations:

(1) Each Golf Cart operator shall have a valid City permit, and such City permit shall be kept within the confines of the Golf Cart during all times of operation;

(2) A Golf Cart shall not be operated at any time on any state or federal highway, but may be operated upon such highway in order to cross a portion of the state highway system which intersects a municipal street. No 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.

(3) Golf Carts shall be equipped with adequate brakes;

(4) Golf Carts shall be equipped with operable headlamps and tail lights if operated between the official sunset and sunrise on the day of operation, during periods of precipitation, in heavy fog, or other times of poor visibility.

(5) No person shall operate a Golf Cart:

A. In any careless way so as to endanger the person or property of another;

B. While under the influence of alcohol or any controlled substance;

2. Exceptions: Golf Carts use on City streets for the following purposes shall not require a valid City permit:

(1) Golf Carts owned and operated by a governmental entity for official use;

- (2) Golf Carts operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
- (3) Golf Carts operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset

SECTION 4. All-terrain vehicles

1. No person shall operate an all-terrain vehicle as defined in this Ordinance, upon the highways of this state or the streets of the City, within the corporate limits of the City, except as follows:
 - (1) All-terrain vehicles owned and operated by a governmental entity for official use;
 - (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
 - (3) All-terrain vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;
 - (4) All-terrain vehicles subject to a valid City permit;
2. No person shall operate an all-terrain vehicle within any stream or river, except that all-terrain vehicles may be operated within waterways which flow within the boundaries of land which an all-terrain vehicle operator owns, or for agricultural purposes within the boundaries of land which an all-terrain vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system.
3. A person operating an all-terrain vehicle on a 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 1 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 miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven 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 square inches and shall be day-glow in color.
4. No persons shall operate an all-terrain vehicle:
 - (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 an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age.
5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is designed to carry more than one person.
6. Every all-terrain vehicle, except those used in competitive events, shall have the following equipment:

- (1) A lighted headlamp and tail lamp which shall be in operation at any time in which an all-terrain vehicle is being used on any street or highway in this state
- (2) A braking system maintained in good operating condition;
- (3) An adequate muffler system in good working condition; and
- (4) A United States Forest Service qualified spark arrester.

SECTION 5. Utility Vehicles

1. No person shall operate a utility vehicle, as defined in this Ordinance, upon the highways of this state or the streets of the City, within the corporate limits of the City, except as follows:
 - (1) Utility vehicles owned and operated by a governmental entity for official use;
 - (2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting;
 - (3) Utility vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;
 - (4) Utility vehicles subject to a valid City permit.

2. No person shall operate a utility vehicle within any stream or river in this state, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating a utility vehicle on a 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 under subdivision (3) of subsection 1 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 forty-five miles per hour.

4. No persons shall operate a utility vehicle:
 - (1) In any careless way so as to endanger the person or property of another; or
 - (2) While under the influence of alcohol or any controlled substance.

5. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one person.

SECTION 6. Recreational Off-Highway Vehicles

No person shall operate a recreational off-highway vehicle, as defined in this Ordinance, upon the highways of this state or the streets of the City, within the corporate limits of the City except as follows:

- (1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;
- (2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;
- (3) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads;
- (4) Recreational off-highway vehicles subject to a valid City permit.

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating a recreational off-highway vehicle on a 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 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon¹ a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

4. No persons shall operate a recreational off-highway vehicle:

- (1) In any careless way so as to endanger the person or property of another; or
- (2) While under the influence of alcohol or any controlled substance.

SECTION 7. Low Speed Vehicles

1. Notwithstanding any other law to the contrary, a low-speed vehicle may be operated upon a highway in the state or street of the City if it meets the requirements imposed by state statute or federal law. Every person operating a low-speed vehicle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other motor vehicle except as to the special regulations of state statute and federal law and except as to those provisions which by their nature can have no application.

2. The operator of a low-speed vehicle shall observe all traffic laws and local ordinances regarding the rules of the road. A low-speed vehicle shall not be operated on a street or a highway with a posted speed limit greater than thirty-five miles per hour. The provisions of this

subsection shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five miles per hour.

3. Each person operating a low-speed vehicle on a highway in this state shall possess a valid driver's license.

SECTION 8. Autocycles

1. A person operating or riding in an autocycle may not be required to wear protective headgear.

2. No person shall operate an autocycle on any highway or street in the City unless the person has a valid driver's license. The operator of an autocycle, however, shall not be required to obtain a motorcycle or motortricycle license or endorsement.

SECTION 9. Motorized Bicycles

1. No person shall operate a motorized bicycle on any highway or street in the City unless the person has a valid license to operate a motor vehicle.

2. No motorized bicycle may be operated on any public thoroughfare located within the City which has been designated as part of the federal interstate highway system.

SECTION 10. Financial Responsibility

1. All operators of any vehicle subject to this Ordinance shall carry insurance coverage on said vehicle in the minimum amount of twenty-five thousand dollars (\$25,000.00) for bodily injury or death to one (1) accident; fifty thousand dollars (\$50,000.00) for bodily injury of death of two (2) or more person(s) in any one (1) accident; and ten thousand dollars (\$10,000.00) because of injury to or destruction of property of others in any one (1) accident;

2. Proof of such insurance coverage must be carried on the vehicle during all times of operation on highways or streets;

3. No provisions of this Ordinance shall be construed to abrogate or modify state statutes requiring greater insurance coverage for a particular type of vehicle or particular manner of operation of the vehicle, nor shall any provision of this Ordinance be construed to abrogate or modify state statutes specifically exempting the operator from a requirement to carry insurance for a particular type of vehicle or manner of operation of the vehicle.

SECTION 11. Failure to Register

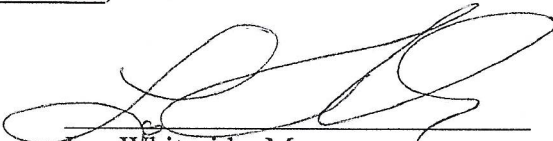
All vehicles required by state statute to be registered with the Department of Revenue shall be not be operated on any street, highway, or thoroughfare within the City by any person unless such vehicle has been so registered. Operation of any vehicle requiring registration with the Department of Revenue when such registration is deficient in any manner, including a failure to pay personal property tax on the vehicle requiring registration, shall constitute a violation of this Ordinance.

SECTION 12. This Ordinance shall be in full force and effect from and after its passage and approval.

SECTION 13. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

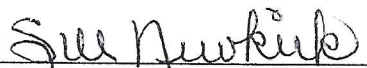
SECTION 14. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Read two times by title only and adopted by the Board of Aldermen of the City of Archie, Missouri, this 11th day of June, 2019.



Les Whiteside, Mayor

ATTEST:



Sue Newkirk, City Clerk