
Sec. 46-51. Utility vehicle use; definitions; operated at own risk; penalty.

- (a) As used in this section, *utility vehicle* means 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 six wheels, to be used primarily for agricultural, recreational, landscaping, lawn care, or maintenance purposes.
- (b) *Limitations on utility vehicle operations on public streets.*
- (1) Utility vehicle operations on public streets and alleys shall be in accordance with the following limitations:
- a. *Traffic laws apply.* It shall be unlawful for any person to operate a utility vehicle in any manner which violates the provisions of chapter 46 or state traffic laws. In addition, no person shall operate a utility 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. Unless such person is 16 years of age or older.
 - b. *Financial responsibility required.* Any person operating a utility vehicle on a street or highway shall maintain proof of financial responsibility in accordance with RSMo 303.160, or maintain any other insurance policy providing equivalent liability coverage for a utility vehicle.
 - c. *Valid license required.* A person operating a utility vehicle on a street or highway pursuant to any exceptions created in RSMo 304.032 and 304.013, shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under subdivision (3) of subsection (b) of this section, 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 30 miles per hour when being operated under the exceptions set forth in subsection (b) below.
 - d. *Local permit required.* In addition to a valid operator's license, a person operating a utility vehicle on a street or highway shall be required to have a special permit provided by the city, as authorized by RSMo 304.032 and 304.013. However, no veteran, disabled person or city resident over the age of 55 years will be required to purchase a special permit. An annual fee in the amount provided in the city fee schedule, not to exceed \$15.00, shall be charged for each special permit so issued and the special permit is renewable annually on or before January 1 of each year by the operator upon proof of valid license and payment of the annual permit fee.
 - e. *Decal, flag required.* Every utility vehicle whenever operated on a public street shall display a decal representing the purchase or acquisition of a current special permit in conformity with RSMo 307.127. Decals are nontransferable and a new owner shall register his or her utility vehicle within ten business days of purchase if he or she desires to operate it on the public roadways of the city. Every utility vehicle shall display 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 30 square inches and shall be day glow in color.
 - f. *Lights required after dusk.* Utility vehicles shall be operated upon the public streets only between sunrise and sunset, unless equipped with proper lights.
 - g. *Seats required.* 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.

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- h. *Right side of road.* Utility vehicles must be operated at the extreme right of the street and must yield to all vehicular and pedestrian traffic.
- (2) The limitations of subsection (b) shall not apply to utility vehicles being operated as follows:
- a. Utility vehicles owned and operated by a governmental entity for official use;
 - b. 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;
 - c. Utility vehicles operated by disabled persons for short distances occasionally only on secondary roads and city streets when operated between the hours of sunrise and sunset.
- (c) *Liability disclaimed.* The ordinance from which this section is derived is adopted to address the interest of public safety. Utility vehicles are not designed or manufactured to be used on public streets and the city in no way advocates or endorses their operation on public streets and alleys. The city, by regulating such operation is merely trying to address obvious and continuing safety issues that have arisen by the increased use of such vehicles by the public. The adoption of the ordinance from which this section is derived is not to be relied upon as a determination that operating on public streets is safe or advisable if done in accordance with this section. All persons who operate or ride upon utility vehicles on public streets or alleys do so at their own risk and must be observant of and attentive to the safety of themselves and others, including passengers, other motorists, bicycles and pedestrians. The city assumes no liability under any theory of tort or contract and specifically denies any such liability including comparative fault. Any person who operates a utility vehicle is responsible for procuring and maintaining liability insurance sufficient to cover the risk involved with operating a utility vehicle on public streets and alleys and the procurement of such insurance is a condition precedent to the lawful operation of a utility vehicle under this section.
- (d) *Penalty.* Any violation of the provisions this section shall be a traffic ordinance violation punishable under section 1-9.
- (e) *Severability.* It is hereby declared to be the intention of the board of aldermen that each and every part, paragraph and subsection of this section shall be separate and severable from each and every other part, paragraph and subsection hereof and that the board of aldermen intends to adopt each said part, section and subsection separately and independently of any other part, paragraph and subsection. In the event that any part of this section shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, paragraphs and subsections shall be and remain in full force and effect.

(Ord. No. 1846 , § 21, 2-18-2019)

ARTICLE IV. ALL-TERRAIN VEHICLES¹

Sec. 46-62. Definition.

For the purposes of this article, the term "all-terrain vehicle" means any motorized vehicle manufactured exclusively for off-road use which is 50 inches or less in width, with an unladen dry weight of 600 pounds or less, traveling on three or more low pressure tires, with a seat designed to be straddled by the operator, and with handlebars for steering control.

(Code 1991, § 12-121; Ord. No. 1359, § 1, 3-24-1987)

¹State law reference(s)—All-terrain vehicles, RSMo 304.013.

Sec. 46-63. Operation on streets, sidewalks prohibited.

In order to promote the compatible, normal and safe movement of traffic and pedestrians on the streets and sidewalks of the city, the utilization of all-terrain vehicles, including, but not limited to, three-wheelers and four-wheelers, is hereby prohibited.

(Code 1991, § 12-122; Ord. No. 1359, § 2, 3-24-1987)

Sec. 46-64. Operation on public, private property prohibited.

The operation of all-terrain vehicles, including, but not limited to, three-wheelers and four-wheelers, on private or public property without the consent of the owner or entity controlling the same, within the city is hereby prohibited.

(Code 1991, § 12-123; Ord. No. 1359, § 3, 3-24-1987)

Secs. 46-65—46-75. Reserved.