

**AN ORDINANCE OF THE CITY OF OSBORN, MISSOURI, CLINTON AND DEKALB COUNTY, CREATING NEW REGULATIONS, TO ALLOW THE USE OF ALL TERRAIN VEHICLES (ATVs), UTILITY VEHICLES AND GOLF CARTS ACCESS TO STREETS AND HIGHWAYS WITHIN THE CITY OF OSBORN.**

**WHEREAS**, the citizens of Osborn have expressed a desire to allow certain vehicles,, such as ATVs, utility vehicles and golf carts, use of the roadways within the city limits as allowed by Missouri State Statutes; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF OSBORN, CLINTON AND DEKALB COUNTIES, MISSOURI AS FOLLOWS:**

Section 1. Definitions.

*All Terrain Vehicles*, also known as: *ATV*, is any motorized vehicle manufactured and used exclusively for off-highway use that is 50 inches or less in width, with an unladen dry weight of 600 pounds or less, traveling on three, four or more low-pressure tires, with a seat designed to be straddled by the operator and handlebars for steering control.

*Utility Task Vehicle*, also known as: *UTV*, means 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.

*Golf cart* means 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.

Section 2. All-terrain vehicles; use prohibited; penalty as follows:

- (a) No person shall operate an all-terrain vehicle, as defined in Section 1, upon the streets and highways of this 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 City's streets when operated between the hours of sunrise and sunset;
  4. All-terrain vehicles whose licensed operators carry a special permit issued by the City pursuant to Section 2.1.

- (b) No person shall operate an off-road vehicle, within any stream or river in this City, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this City at such road crossings as are customary or part of the street and city highway system. All law enforcement officials or peace officers of this City or Counties shall enforce the provisions of this subsection within the geographic area of their' jurisdiction.
- (c) A person operating an all-terrain vehicle on a city street or 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 (a) 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 (30) miles per hour. When operated on a city street or highway within the city, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) 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 (30) square inches and shall be dayglow in color.
- (d) No person shall operate an off-road vehicle on any park lands of the City of Osborn, Missouri, except those operated by a governmental unit for official use.
- (e) No person shall operate an off-road vehicle at any time without a lighted headlight and lighted tail lamp which must be lit and in operation at all times of said operation of off- road vehicle.
- (f) No person 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 (18) years of age;
  4. On an interstate highway within the city limits; or
  5. in a manner which disturbs the public peace.
- (g) 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.
- A. A violation of this section shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period of not exceeding fifteen (15) days or by both such fine and imprisonment. Each day any violation of this or of any ordinance shall continue shall constitute a separate offense.

Section 2.1: All-terrain vehicle permits and registration.

- (a) The City Clerk shall hereby be designated as the City Official with the authority to issue special use permits for all-terrain vehicles on a form prescribed and approved by the City Clerk and Mayor within the City and a fifteen dollar (\$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 (5) days after the receipt of said fees, the official shall deposit the fees in the General Fund of the City.
- (b) Permits are effective for one (1) calendar year beginning January 1 and ending December 31. A permit is required for each ATV.
- (c) The City Clerk shall issue a special use permit to individuals who are in the business of repair, maintenance, etc. for the sole purpose of resale. The business will only be required to purchase (1) one permit, at the cost of (\$25.00). The permit shall be valid for one year.
- (d) No person shall operate an all-terrain vehicle until and unless it has been registered with the City Clerk and to register it they must also provide proof of financial responsibility covering the operation of any all-terrain vehicles on public roads with minimal insurance amounts as set forth in Chapter 303, RSMo.
- (e) No operator shall operate and receive a permit until they produce proof of registration of said all-terrain vehicle with the State of Missouri by offering a certificate of registration and displaying on the all-terrain vehicle the registration decal. A valid city permit shall be affixed to the utility vehicle near the state registration decal.

Section 3. Utility vehicles; use prohibited; penalty as follows:

- (a) No person shall operate a utility vehicle, as defined in Section 1, upon the streets and highways of this 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 city's streets when operated between the hours of sunrise and sunset;
- (b) No person shall operate a utility vehicle within any stream or river in this City, 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 City at such road crossings as are customary or part of the City street or highway system. All law enforcement officials or peace officers of this City and Counties shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

(c) A person operating a utility vehicle on a City street or highway within the City 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 Subparagraph (3) of Subsection (a) of this Section, but shall not be required to have passed an examination for the operation of a motorcycle. The utility vehicle shall be operated at speeds less than forty-five (45) miles per hour on a highway within the city, and on city streets operated at a speed of less than twenty-five (25) miles per hour or the designated speed limit on any city street where the limit is less than twenty-five (25) miles per hour.

(d) No persons 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. On an interstate highway within the city limits;
4. On any park lands of the City of Osborn, Missouri, except those operated by a governmental unit for official use; or
5. In a manner which disturbs the public peace.
6. Without a securely fastened safety helmet on the head of an individual who operates a utility vehicle or who is being towed or otherwise propelled by a utility vehicle, unless the individual is at least eighteen (18) years of age;
7. When operated on a city street or highway within the city, a utility vehicle shall have a bicycle safety flag, which extends not less than seven (7) 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 (30) square inches and shall be dayglow in color.
8. Between the hours of official sunset and sunrise unless the utility vehicle is properly equipped with headlights, tail lights, brake lights, and turn signals.

(e) 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 (1) person.

A. A violation of this section shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period of not exceeding fifteen (15) days or by both such fine and imprisonment. Each day any violation of this or of any ordinance shall continue shall constitute a separate offense.

### Section 3.1: Utility vehicle permits and registration.

- a) The City Clerk shall hereby be designated as the City Official with the authority to issue special use permits for utility vehicles on a form prescribed and approved by the City Clerk and Mayor within the City and a fifteen dollar (\$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 (5) days after the receipt of said fees, the official shall deposit the fees in the General Fund of the City.

- b) Permits are effective for one (1) calendar year beginning January 1 and ending December 31. A permit is required for each UTV.
- c) The City Clerk shall issue a special use permit to individuals who are in the business of repair, maintenance, etc. for the sole purpose of resale. The business will only be required to purchase (1) one permit, at the cost of (\$25.00). The permit shall be valid for one year.
- d) No person shall operate a utility vehicle until and unless it has been registered with the City Clerk and to register it they must also provide proof of financial responsibility covering the operation of any utility vehicle on public roads with minimal insurance amounts as set forth in Chapter 303, RSMo. A valid city permit shall be affixed to the utility vehicle on the rear bumper.

Section 4: Golf carts use, penalties.

- (a) Requirements for operating golf carts on City streets, roads or alleyways within the City:
  - 1. Any individual operating a golf cart 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. The golf cart shall be properly insured and such proof of insurance shall specifically list the vehicle as referenced by the serial number and year of model.
  - 3. Any individual under the age of eighteen (18) operating a golf cart or riding as a passenger on a golf cart shall wear a securely fastened safety helmet on his or her head.
  - 4. The golf cart shall be operated at a speed of less than twenty (20) miles per hour.
  - 5. The golf cart shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The flag shall be day- glow colored and shall be triangular shaped, with an area not less than thirty (30) square inches.
- (b) No individual operating a golf cart on city streets, roads or alleyways shall:
  - 1. Operate the golf cart in any careless or imprudent manner so as to endanger any person or property of any person.
  - 2. Operate the golf cart while under the influence of alcohol or controlled substance.
  - 3. Operate a golf cart between the hours of official sunset and sunrise unless the golf cart is properly equipped with headlights, tail lights, brake lights and turn signals.
  - 4. Operate the golf cart at any time on any state or federal highway, except to cross a portion of the state highway system which intersects a municipal street.
  - 5. 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.
  - 6. Operate the golf cart without a valid City permit affixed to golf cart on the rear bumper.
  - 7. Disturb the public peace.

8. Carry passengers:
  - a. In excess of the maximum number of designed seating for the golf cart; no more than two (2) total persons per bench seat shall be allowed.
  - b. Younger than sixteen (16) years in age unless the operator is the legal guardian of the passenger(s).
- (c) A violation of this section shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period of not exceeding fifteen (15) days or by both such fine and imprisonment. Each day any violation of this or of any ordinance shall continue shall constitute a separate offense.

Section 4.1: Golf cart permits and registration.

- (a) The City Clerk shall hereby be designated as the City Official with the authority to issue special use permits for golf carts on a form prescribed and approved by the City Clerk and Mayor within the City and a fifteen dollar (\$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 (5) days after the receipt of said fees, the official shall deposit the fees in the general fund of the City. The city permit shall be valid for one year.
- (b) Permits are effective for one (1) calendar year beginning January 1 and ending December 31. A permit is required for each Golf Cart.
- (c) The City Clerk shall issue a special use permit to individuals who are in the business of repair, maintenance, etc. for the sole purpose of resale. The business will only be required to purchase (1) one permit, at the cost of (\$25.00). The permit shall be valid for one year.
- (d) No person shall operate a golf cart until and unless it has been registered with the City Clerk and to register a person must also provide proof of financial responsibility covering the operation of any golf cart on public roads with minimal insurance amounts set forth by Missouri Revised Statutes as they may be amended from time to time.

Section 5: This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed and approved on May 10, 2017.

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Mayor, ~~David E. Meek~~ ABSENT

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Mayor Pro Tem, Jeff McCartney

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City Clerk, Jody Barlow