

AN ORDINANCE OF THE CITY OF ODESSA, MISSOURI, REPEALING ORDINANCE NO. 2977 AND ENACTING A NEW ORDINANCE IN ITS PLACE AMENDING CHAPTER TWO OF THE CODE OF ORDINANCES RELATED TO PROHIBITING THE USE OF ALL-TERRAIN VEHICLES ON CITY STREETS.

WHEREAS, Chapter Two, Section 2.404-11 of the Code of Ordinances of the City of Odessa, Missouri (the "City") prohibits the use of all-terrain vehicles on City streets; and

WHEREAS, the Board of Aldermen of the City desired to adopt an ordinance to amend Section 2.404-11 and to add additional sections to Chapter Two regulating the use of utility vehicles, all-terrain vehicles, golf carts, electric personal assistive mobility devices and other motorized devices on City streets; and

WHEREAS, on November 26, 2018, the Board of Aldermen adopted Ordinance No. 2977 which repealed and replaced Section 2.404-11 and added Section 2.404-12 and Section 2.404-13 to Chapter Two of the Code of Ordinances; and

WHEREAS, a scrivener's error in Ordinance No. 2977 was discovered after its adoption by the Board of Aldermen; and

WHEREAS, the Board of Aldermen now desires to repeal Ordinance No. 2977 and enact a new ordinance in its place which repeals and replaces Section 2.404-11, Section 2.404-12 and Section 2.404-13 of the Code of Ordinances to correct the error.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ODESSA, MISSOURI, AS FOLLOWS, TO WIT:

Section 1. That Ordinance No. 2977 is hereby repealed.

Section 2. That this Ordinance is hereby enacted in its place, repealing and replacing Section 2.404-11, Section 2.404-12 and Section 2.404-13 of the Code of Ordinances of the City of Odessa, Missouri, with the following:

2.404-11 USE OF UTILITY VEHICLES, GOLF CARTS, AND ALL-TERRAIN VEHICLES ON CITY STREETS

- 1. Definitions** – For the purpose of this Subchapter, the following words shall have the meanings specifically ascribed to them by this section:
 - a. Utility Vehicle (UTV) – Any motorized vehicle manufactured and used exclusively for off-highway purposes which is sixty-three (63) inches or less in width, has an unladen dry weight of one thousand nine hundred (1,900) pounds or less, travels on four (4) or six (6) wheels and is used primarily for agricultural, landscaping, lawn care or maintenance purposes. This definition shall not pertain to riding lawnmowers. UTVs are also known as a "side-by-side".

- b. Golf Cart – Any motorized or electric vehicle that has three (3) or more low-pressure tires in contact with the ground, designed primarily to transport persons and equipment while playing golf. Golf carts are typically sixty (60) inches or less in width. Golf carts must be equipped with brakes and cannot be capable of exceeding 20 miles per hour.
- c. All-Terrain Vehicle (ATV) – Any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4), or more low pressure tires, with a seat designed to be straddled by the operator and handlebars for steering control.

2. Utility Vehicles – Operation, Exceptions, and Prohibited Uses

- a. No person shall operate a utility vehicle, as previously defined, 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 or commercial on-premises purposes between the official sunrise and sunset on the day of operation; or
 - (3) Utility vehicles whose operators carry a special permit issued by this City pursuant to Section 304.032, RSMo. These permits shall be issued annually by the City and affixed to the vehicle in a visible location. The fee for said permit shall be fifteen dollars (\$15.00). Proof of financial responsibility in the same manner as required in Section 303.160, RSMo, must be presented at the time the permit is purchased.
- 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 State at such road crossings as are customary or part of the highway system.
- c. A person operating a utility vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall not be operated in excess of the posted speed limits. The operator of a utility vehicle is required to obey all the same traffic laws as an operator of a motor vehicle.
- d. No person shall operate a utility vehicle, as defined in this Section, on a street or highway:
 - (1) In excess of the posted speed limit;
 - (2) In any careless way so as to endanger the person or property of another;
 - (3) While under the influence of alcohol or any controlled substance;
 - (4) Without proof of financial responsibility in the same manner as required in Section 303.160, RSMo, or maintain any other insurance policy providing equivalent liability coverage for a utility vehicle. If stopped, the operator of the vehicle will be required to show proof of said liability insurance;

(5) With a passenger or rider, unless said vehicle is designed for passengers or riders; provided, however, that in no event shall the operator allow more passengers than the number of seats or passenger allowance for the utility vehicle.

- e. Every utility vehicle operated on a street or highway within the City shall have the following equipment:
 - (1) Functioning headlights, tail lights, brake lights, and turn signals which shall be in operation at any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise or as otherwise specified in Section 307.020, RSMo (definition of "when lighted lamps are required");
 - (2) A braking system maintained in good operating condition;
 - (3) An adequate muffler system in good working condition and a United States Forest Service qualified spark arrester; and
 - (4) 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 Day-Glo in color.

3. Golf Carts – Operation, Exceptions, and Prohibited Uses

- a. No person shall operate a golf cart, as previously defined, upon the streets and highways of this City except as follows:
 - (1) Golf carts owned and operated by a governmental entity for official use; or
 - (2) Golf carts whose operators carry a special permit issued by this City pursuant to this Section and affixed visible to the rear of the vehicle. These permits shall be issued annually by the City and affixed to the vehicle in a visible location. The fee for said permit shall be fifteen dollars (\$15.00). Proof of financial responsibility in the same manner as required in Section 303.160, RSMo, must be presented at the time the permit is purchased.
- b. No person shall operate a golf cart on a street or highway:
 - (1) Unless the operator has a valid driver's license;
 - (2) In excess of twenty (20) miles per hour;
 - (3) In any careless or imprudent manner so as to endanger a person or property of another;
 - (4) While under the influence of alcohol or any controlled substance;
 - (5) Without proof of financial responsibility in the same manner as required in Section 303.160, RSMo, or maintain any other insurance policy providing equivalent liability coverage for a golf cart. If stopped, the driver/operator will be required to show the officer proof of insurance coverage; and
 - (6) With a passenger or rider, unless said vehicle is designed for passengers or riders; provided, however, that in no event shall the operator allow more passengers than the number of seats or passenger allowance for the golf cart.
 - (7) Notwithstanding the foregoing provisions, golf carts 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.

- c. Every golf cart operated on a street or highway within the City shall have the following equipment:
 - (1) Functioning headlights, tail lights, brake lights, and turn signals which shall be in operation at any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise or as otherwise specified in Section 307.020, RSMo (definition of "when lighted lamps are required");
 - (2) A braking system maintained in good operating condition; and
 - (3) 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 Day-Glo in color.
- d. The operator of a golf cart is required to obey all the same traffic laws and signage rules as an operator of a motor vehicle.

4. All-Terrain Vehicles – Operation, Exceptions, and Prohibited Uses

- a. No person shall operate an All-Terrain Vehicle (ATV), as defined above, 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; or
 - (2) All-terrain vehicles operated for agricultural purposes or industrial or commercial on-premises purposes between the hours of sunrise and sunset on the day of operation; or
 - (3) All-terrain vehicles whose operators carry an active special permit issued by the City pursuant to Section 304.013, RSMo, prior to October 1, 2018. Those active special permits issued by the City prior to October 1, 2018, shall expire on December 31, 2018. All-terrain vehicle operators shall be required to renew their permits by January 1 of each subsequent year. Those active special permits issued by the City prior to October 1, 2018, shall continue to be authorized annually for no more than five (5) years. The fee for said permit shall be fifteen dollars (\$15.00) annually. No special permits for all-terrain vehicles shall be issued by the City after October 1, 2018, except for those operators who held a valid permit on October 1, 2018, and maintained a permit for the entire preceding year without revocation or suspension; or
 - (4) Upon approval by the Mayor of the City of Odessa, Missouri, or by the Police Chief of the City of Odessa, Missouri, for use during emergency situations or any other situation the Mayor and/or Chief of Police may deem appropriate.
- b. A person operating an all-terrain vehicle on the streets or highways of this City pursuant to an exception covered in this Section shall have a valid operator's or chauffer's license but shall not be required to have passed an examination for the operation of a motorcycle. The vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, extending 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 day-glow in color.
- c. No person shall operate an all-terrain vehicle:
 - (1) In excess of the posted speed limit, but never exceeding thirty (30) miles per hour;

- (2) In any careless or imprudent manner so as to endanger the person or property of another;
 - (3) While under the influence of alcohol or any controlled substance;
 - (4) 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; or
 - (5) Without proof of financial responsibility in the same manner as required in Section 303.160, RSMo, or without maintaining any other insurance policy providing equivalent liability coverage for a utility vehicle. If stopped, the operator of the all-terrain vehicle shall be required to provide proof of said liability insurance.
- d. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.
 - e. All-terrain vehicles may be operated by handicapped persons for short distances occasionally on the City's secondary roads when operated between the hours of sunrise and sunset.
 - f. The following shall be the only uses authorized by special permit:
 - (1) Use in conjunction with special events as approved and authorized by the Board of Aldermen, such as Puddle Jumper Days;
 - (2) Snow removal during periods where snow is present on driveways, sidewalks, or streets; or
 - (3) Property or lawn care maintenance purposes.

5. Penalty

Any person seventeen (17) years of age or older who violates any provision of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine. If any person under seventeen (17) years of age violates any provision of this Section, in the presence of a Peace Officer possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, said officer may impound the vehicle if deemed necessary. Additionally, the court may require suspension of the special permit, prohibiting operation of the vehicle within the City limits.

2.404-12 USE OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ON CITY STREETS

1. Definition – An Electric Personal Assistive Mobility Device shall mean a self-balancing, two non-tandem wheeled device, designed to transport only one person, with an electric propulsion system with an average power of seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy pounds, is less than twenty miles per hour.

2. Use of Electric Personal Assistive Mobility Devices

a. An electric personal assistive mobility device may be operated upon a street, highway, sidewalk and bicycle path. Every person operating such a device shall be granted all

of the rights and be subject to all of the duties applicable to a pedestrian pursuant to Chapter 304, RSMo.

- b. Persons under sixteen (16) years of age shall not operate an electric personal assistive mobility device, except for an operator with a mobility-related disability.
- c. An electric personal assistive mobility device shall be operated only on roadways with a speed limit of forty-five miles per hour or less. This shall not prohibit the use of such device when crossing roadways with speed limits in excess of forty-five miles per hour.

2.404-13 USE OF OTHER MOTORIZED DEVICES

1. Other Motorized Devices Prohibited

- a. No person shall operate any conveyance defined as any other motorized device on any public right-of-way or public property within the City of Odessa except;
 - (1) After receiving the approval of the Mayor of the City of Odessa, Missouri, or the approval of the Police Chief of the City of Odessa, Missouri, for use during emergency situations or any other situation the Mayor and/or Chief of Police may deem appropriate.
- b. No person shall operate any conveyance defined as any other motorized device on any private property without the express permission of the owner or occupant of that property.

2. Devices Permitted on Highways


- a. Subject to any other specific limitation contained in this Code or State law, only vehicles as defined herein, bicycles, electric personal assistive mobility devices, motorized wheelchairs, motorized bicycles, horse-drawn conveyances, and properly equipped tractors and agricultural equipment may be operated on highways within the City of Odessa.
- b. All Law Enforcement Officials or Peace Officers of this State and its political subdivision shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

Section 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. That this Ordinance shall be in full force and effect from and after its passage and approval.


Section 5. That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

READ TWICE and passed by the Board of Aldermen of the City of Odessa, Missouri, and approved by the Mayor of Odessa this 10th day of December, 2018


Adam R. Couch, Mayor

ATTEST:


Peggy Eoff, City Clerk


Adam R. Couch, Mayor