

ORDINANCE NO. 1119

BILL NO. 21-01

AN ORDINANCE TO SUPERSEDE THE CITY OF ADRIAN BILL 11-02 ORDINANCE 1005 ON THE USE OF ALL TERRAIN VEHICLES TO INCLUDE UTILITY VEHICLES AND GOLF CARTS ON PUBLIC RIGHT OF WAY, PRIVATE PROPERTY AND CITY PROPERTY.

WHEREAS, the city is authorized to declare and determine appropriate requirements to protect the public with regard to the operation and use of certain modes of transportation on public sidewalks, streets, alleyways, highways, pedestrian paths, the city park and private property; and

WHEREAS, the Board of Aldermen has determined that public safety in the City of Adrian will be improved by regulating the use and operation of these modes of transportation and therefore desires to establish such regulations.

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

#### CHAPTER 5. MOTORIZED VEHICLES

##### ARTICLE I – IN GENERAL.

###### Section 5 -1. Definitions

###### A. All-terrain Vehicles

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 six hundred 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.

###### B. Utility Vehicles

Any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of 1,850 pounds or less, traveling on four or six wheels.

###### C. Golf Carts

Any motorized vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of twenty miles per hour.

Section 5-2 – 5-10 Reserved.

ARTICLE II: - OPERATING REGULATIONS.

Section 5-11. All Terrain Vehicles

1) No person shall operate an all-terrain vehicle within the City of Adrian, except as follows:

A) All-terrain vehicles owned and operated by a governmental entity for official use.

B) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between sunrise and sunset on the day of operation.

C) 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.

D) Governing bodies of the city may issue special permits to licensed drivers for special uses of all-terrain vehicles on streets and highways within the city limits. Fees of fifteen dollars (\$15.00) may be collected and retained by the city for such permits.

2) A person operating an all-terrain 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 pass an examination for the operation of a motorcycle and the vehicle shall be operated at speeds of less than thirty miles per hour and shall obey all traffic laws. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which stands not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow/fluorescent orange in color.

3) No person shall operate an all-terrain vehicle:

A) Without a securely fastened DOT approved safety helmet on the head of 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.

B) Operate an all-terrain vehicle on the private property of another without the direct permission of the owner, the person entitled to immediate possession or the authorized agent of either.

4) 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.

5) A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one-thousand dollars (\$1,000.00) per violation, per day.

#### Section 5-12. Utility Vehicles.

1) No person shall operate a utility vehicle within the City of Adrian, except as follows:

A) Utility vehicles owned and operated by governmental entity for official use.

B) Utility vehicles operated for agricultural purposes or industrial on-premises purposes between sunrise and sunset on the day of operation, unless equipped with head lights, tail lights, brake lights and turn signals.

C) 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.

D) Governing bodies of the city may issue special permits to licensed drivers of utility vehicles to be used on streets and highways within the city limits. Fees of fifteen dollars (\$15.00) may be collected and retained by the city for such permit.

2) A person operating a utility vehicle on a street or highway pursuant to an exception covered in this section shall have 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 be operated at speeds of less than thirty miles per hour and shall obey all traffic laws. When operated on street or highway, a utility vehicle shall have a bicycle safety flag, which extends no less than seven foot above the ground, attached to the rear of the vehicle. The bicycle flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow/fluorescent orange in color.

3) No person shall operate a utility vehicle:

- A) Without a securely fastened DOT approved 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 years of age.
  - B) Operate a utility vehicle on the private property of another without the direct permission of the owner, the person entitled to immediate possession or the authorized agent of either.
  - C) Without being properly insured and such proof of insurance shall be kept with the vehicle at all times. Such insurance shall specifically list the utility vehicle as referenced by the serial number and year of model.
- 4) No operator of a utility vehicle shall carry 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
- 5) A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunction relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one-thousand dollars (\$1,000.00) per violation, per day.

Section 5-13. Golf Carts

- 1) Requirements for operating a golf cart within the City of Adrian:
- A) Golf carts are classified as a low speed vehicle that is not capable of operating at speeds in excess of twenty miles per hour.
  - B) 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.
  - C) Any individual operating a golf cart shall obey all traffic laws.
  - D) The golf cart shall be property insured and such proof shall be kept with the vehicle at all times and shall specifically list the vehicle as referenced by the serial number and year of model.
  - E) The golf cart shall have a bicycle safety flag when operated on a street or highway, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The flag shall be triangular shaped, with an area not less than thirty square inches and day-glow/fluorescent orange in color.

- 2) No individual operating a golf cart shall:
  - A) Operate a golf cart between the hours of sunset and sunrise, unless the golf cart is properly equipped with head lights, tail lights, brake lights and turn signals.
  - B) Operate a golf cart on any state or federal highway except to cross. It shall not be operated across any highway where the posted speed limits is in excess of forty-five miles per hour.
  - C) Operate a golf cart on the private property of another without the direct permission of the owner, the person entitled to immediate possession or the authorized agent of either.

Section 5-15 – 5-20. Reserved.

ARTICLE III: ADRIAN CITY PARK RESTRICTIONS.

Section 5-21. Special Permits. No person shall operate any of the above mentioned modes of transportation in the Adrian City Park without a special permit issued by the city for special purposes. Fees of fifteen dollars (\$15.00) shall be collected and retained by the city.

Section 5-22 – 5-30 Reserved.

ARTICLE IV: RESPONSIBILITIES OF PARENTS, GUARDIANS AND LEGAL CUSTODIANS.

Section 5-31. Violation & Responsibility.

- 1) The parent, guardian or legal custodian of any juvenile shall not authorize or knowingly permit such juvenile to violate any of the provisions of this ordinance.
- 2) If a juvenile under the age of 15 ½ is found violating this ordinance a juvenile referral will be sent to the Juvenile Office and the parent, guardian or legal custodian will receive a citation for this ordinance violation whether or not the parents, legal guardian or legal custodian of the juvenile knew of or anticipated a violation of this ordinance.

Section 5-32 Reserved.

ARTICLE V: PENALTY.

Section 5-41. Fines. Any person over the age of 15 ½ or parent, legal guardian or legal custodian of a juvenile under the age of 15 ½ found to be guilty of violating this ordinance will be fined an amount not to exceed Five Hundred Dollars (\$500.00) per violation, per day.

Sections 5-42 – 5-50 Reserved.

ARTICLE VI: CONFLICTING ORDINANCES.

Section 5-51. Repeal of Prior Ordinance. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5-52 – 5-60 Reserved.

ARTICLE VII: SEVERABILITY.

Section 5-61. Severability of Any Clause. If any term, conditions or provision of this ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to the full force and effect without further action by the city and shall thereafter be binding..

ARTICLE VIII: EFFECTIVE DATE.

Section 5-71. Effective Date. This ordinance shall be in full force and take effect from and after the date of its final passage and approval.

Section 5-72 – 5-80 Reserved.

READ TWO TIMES, passed and approved this 12th day of July, 2021.

Jerry Cole

Mayor

ATTEST:

Melissa Perini

City Clerk