

Amended Bill No. 4317, an Ordinance Amending Section 340.110 Regarding Operation of Golf Carts Upon City Streets, Amending Section 300.010 Regarding Definitions to Add a Definition of a Utility Terrain Vehicle or Utility Vehicle (UTV), and Amending Section 340.100 Regarding Operation of All-Terrain Vehicles All Within Title III Traffic Code of the Municipal Code of Ordinances of the City of Wentzville, Missouri

WHEREAS, Missouri Law sets guidelines for the operation of golf carts and other low-speed vehicles under Section 304.029, RSMo. and provides appropriate regulations and standards to ensure public health and safety in relation to their operation; and

WHEREAS, in order to protect the driver and passengers of golf carts and other low-speed vehicles and the pedestrians within the City of Wentzville, the Board of Aldermen of the City of Wentzville, Missouri, desires to amend Section 340.110 of the Municipal Code regarding the operation of golf carts on City streets, to add a definition of utility terrain vehicle or utility vehicle (UTV) to Section 300.010 of the Municipal Code, and to amend Section 340.100 of the Municipal Code regarding the operation of all-terrain vehicles to include similar prohibitions on the operation of utility terrain vehicles or utility vehicles (UTV's).

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

Section 1: Section 340.110 of the Wentzville Municipal Code shall be repealed in its entirety and the following shall be adopted as Section 340.110 of the Wentzville Municipal Code:

Section 340.110 Operation of Golf Carts Upon City Streets

A. Definitions. As used in this Section, the following terms shall have these prescribed meanings:

GOLF CART

Any vehicle propelled by an electric or gas engine with no less than three (3) wheels in contact with the ground 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 (20) miles per hour. Motor vehicles classified as all-terrain vehicles (ATV's), utility terrain vehicles (UTV's) or off-road vehicles are expressly excluded from the definition of golf carts for purposes of this Section.

GOLF CART LANE

All facilities that expressly provide for golf cart travel including streets or sidewalks designated by signs or permanent markings as golf cart lanes. A golf cart lane may be a City street or may be a paved surface that is not a City street.

B. Notwithstanding any other law, except as provided herein, a golf cart may be operated upon a City street if it meets the requirements of this Section. Every person operating a golf cart 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 in this Section and except as to those provisions which by their nature can have no application.

C. Each person operating a golf cart on a City street in this City shall possess a valid driver's license issued pursuant to Chapter 302, RSMo.

D. The operator of a golf cart shall observe all traffic laws and ordinances of the City of Wentzville regarding the rules of the road. A golf cart shall not be operated on a street or a highway with a posted speed limit greater than twenty-five (25) miles per hour. Further, this Subsection shall prohibit a golf cart from crossing a city street or highway with a posted speed limit greater than thirty-five (35) miles per hour even if there is a traffic light at such intersection.

E. A golf cart shall be exempt from the requirement of Sections 307.350 to 307.402, RSMo, for the purpose of titling and registration.

F. Every operator of a golf cart shall maintain insurance on such golf cart as required by Chapter 303, RSMo, if the golf cart is to be operated upon the streets of the City.

G. All golf carts shall be manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 CFR 571.500 as amended if the golf cart is to be operated upon the streets of the City.

H. Each golf cart that is to be operated on the City streets, other than on designated golf cart lanes in established golf course communities that existed prior to the amendment of this Section, shall be equipped with properly operating:

1. A rear view mirror, whether mounted on the exterior of the driver's side of the golf cart or an interior rear view mirror,
2. A parking brake,
3. A VIN (vehicle identification number) that conforms to requirements of 49 CFR 565, and
4. A seat belt or other safety restraint for any rear-facing seat.

I. Lights and/or reflectors - when required and standards to be met. Every golf cart when in use on a City street during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:

1. A front-facing head lamp which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;
2. A rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;

J. Operation on City Streets and Designated Golf Cart Lanes.

1. A designated golf cart lane is an authorized municipal roadway expressly allowing for the operation of golf carts at the time of the establishment of the subdivision. The subdivision streets located within the approved plats of the subdivisions of Bear Creek and Golf Club of Wentzville are designated as golf cart lanes.
2. Golf carts operated on City streets and designated golf cart lanes will be driven as close

to the right shoulder of the street as practicable and shall not impede the regular flow of vehicular traffic.

3. Golf carts will not be driven on any sidewalk, multi-use trail, path or walkway designed for use by pedestrians or operators of non-motorized vehicle unless designated as a golf cart lane except to cross such sidewalk, multi-use trail, path or walkway, and will not be parked or stopped in any manner so as to block a sidewalk, path or walkway. Golf carts shall not be operated on any sidewalk, multi-use trail, path or walkway in a City park.

K. No golf cart shall:

1. Be operated upon any private property without permission of the owner.
2. Be operated in a "negligent manner" defined as operation in such a manner as to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any other motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways, or parks.
3. Be operated by a person under the influence of alcohol or any controlled substance not prescribed by a physician.
4. Carry more passengers than the golf cart is specifically designed to carry.
5. Carry any passengers standing in the rear bag storage area or hanging onto the golf cart
6. Be operated upon a street or golf cart lane at a speed of more than twenty (20) miles per hour.

L. Enforcement. A violation of this Section shall be an offense. The Wentzville Police Department will have full authority to enforce state and local traffic laws as they apply to the operation of motor vehicles, including, without limitation, the authority to impound a golf cart in the same manner that it would impound other motor vehicles upon the violation of applicable state or local traffic laws.

Section 2: Section 300.010 of the Wentzville Municipal Code shall be amended to add the following definition of "utility terrain vehicle or utility vehicle (UTV)" to said Section 300.010, which definition shall be inserted in alphabetical order with the other existing definitions within that Section:

Section 300.010 Definitions

Utility Terrain Vehicle or Utility Vehicle (UTV) means any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three (63) inches or less in width, with an unladen dry weight of one thousand eight hundred fifty (1,850) pounds or less, traveling on four (4) or six (6) wheels, whether it is to be used primarily for landscaping, lawn care, or maintenance purposes or recreational purposes.

Section 3: Section 340.100 of the Wentzville Municipal Code shall be repealed in its entirety and the following shall be adopted as Section 340.100 of the Wentzville Municipal Code:

Sec. 340.100. - All-terrain vehicles and utility vehicles prohibited; exceptions; operation under

an exception; prohibited uses; penalty.

(a) No person shall operate an all-terrain vehicle, utility terrain vehicle or utility vehicle, as defined in section 300.010, upon the streets and highways of this city, except as follows:

(1) All-terrain vehicles, utility terrain vehicles or utility vehicles owned and operated by a governmental entity for official use;

(2) All-terrain vehicles, utility terrain vehicles or utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation; or

(3) All-terrain vehicles, utility terrain vehicles or utility vehicles whose operators carry a special permit issued by this city pursuant to RSMo 304.013.

(b) No person shall operate an off-road vehicle, as defined in RSMo 304.001, 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 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 shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

(c) A person operating an all-terrain vehicle, utility terrain vehicle or utility vehicle on a street or highway pursuant to an exception covered in this section shall have a valid license issued by a state authorizing such person to operate a motor vehicle 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 30 miles per hour. When operated on a street or highway, an all-terrain vehicle, utility terrain vehicle or utility 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 30 square inches and shall be dayglow in color.

(d) No person shall operate an all-terrain vehicle, utility terrain vehicle or 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; or

(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 18 years of age.

(e) No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

(f) A violation of this section shall be an offense.

Section 4: It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of his ordinance shall be

declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words of this ordinance since the same would have been enacted by the Board of Aldermen without incorporation in the ordinance of any such unconstitutional or invalid portion of this ordinance.

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

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI THIS 12 DAY OF August, 2020.

Nickolas Guccione
Mayor, Nickolas Guccione

Attest:

Kathryn Bowman
City Clerk, Kathryn Bowman

APPROVED BY THE MAYOR OF THE CITY OF WENTZVILLE, MISSOURI THIS 13 DAY OF August, 2020.

Nickolas Guccione
Mayor, Nickolas Guccione

Attest:

Kathryn Bowman
City Clerk, Kathryn Bowman

Approved as to Form:

[Signature]
Attorney

