

INTRODUCED BY _____

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE MUNICIPAL CODE OF THE CITY OF HERMANN, MISSOURI REGARDING THE OPERATION OF ALL TERRAIN VEHICLES, UTILITY VEHICLES, RECREATIONAL OFF-HIGHWAY VEHICLES, OFF ROAD VEHICLES AND GOLF CARTS ON CITY STREETS.

WHEREAS, the Board of Aldermen has determined that regulation of the operation of all terrain vehicles, utility vehicles, recreational off-highway vehicles, off-road vehicles and golf carts on City streets serves a legitimate public purpose and is in the best interest of the citizens of the City of Hermann Missouri.

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

SECTION ONE: the following terms and their definitions shall be added to Code section 300.010:

Golf Cart: 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 20 miles per hour.

Recreational off-highway vehicle: 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 un-laden dry weight of 2000 pounds or less, traveling on four or more non-highway tires and which may have access to ATV trails.

Utility vehicle: 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 2000 pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care or maintenance purposes.

SECTION TWO: Code section 340.120 is hereby revoked in its entirety and a new section 340.120 is substituted in lieu thereof, as follows:

Section 340.120. All terrain vehicles, utility vehicles, recreational off-highway vehicles, off-road vehicles and golf carts – prohibited – exceptions - prohibited uses - penalty.

A. No person shall operate an all-terrain vehicle, **utility vehicle, recreational off-highway vehicle or golf cart**, as those terms are defined in section 300.020, upon the streets and highways of this City, except as follows:

1. All-terrain vehicles, **utility vehicles, recreational off-highway vehicles and golf carts** owned by a governmental entity for official use;

2. All-terrain vehicles, **utility vehicles, recreational off-highway vehicles, and golf carts** operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, **unless equipped with headlights, taillights, brake lights and turn signals.**
- B. No person shall operate an off-road vehicle, as defined in RSMo. Section 304.001, within any stream or river in the 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 the City at such road crossings as are customary or part of the highway system.~~
- C. A person operating an all-terrain vehicle, **utility vehicle, recreational off-highway vehicle or golf cart** 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, and the vehicle shall be operated at speeds of less than 30 miles per hour. While in operation, any all-terrain vehicle, **utility vehicle, recreational off-highway vehicle or golf cart** shall have a bicycle safety flag, which extends not less than 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 30 square inches and shall be Day-Glo in color.
- D. No person shall operate an all-terrain vehicle, **utility vehicle, recreational off-highway vehicle or golf cart:**
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 the all-terrain vehicle, **utility vehicle, recreational off-highway vehicle or golf cart** 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.

SECTION THREE: The publisher of the City of Hermann Code of Ordinances shall be permitted to re-designate the section or sub-section number of this revised Code section to fit within an appropriate portion of the Hermann City Code, within the discretion of the publisher.

SECTION FOUR: Any ordinances in conflict herewith are hereby repealed.

SECTION FOUR: This ordinance shall be in full force and effect from and after its passage and adoption.

First Reading: November 27, 2023

Second Reading: _____

VOTE:

Name	First Reading			Second Reading		
	Aye	Nay	Abs	Aye	Nay	Abs
Alderman Ash Geers						
Alderman Derek LeRoy						
Alderman Jim Schirmer						
Alderman Susan Lenger						

Passed and approved this ___ day of _____, 2023.

BRUCE COX, Mayor

COREY ORR, City Clerk