COUNCIL BILL NO. 2021-003 ORDINANCE NO.

AN ORDINANCE amending Chapter 114, "Traffic," by enacting a new Article XII, "Utility Vehicles."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Chapter 114, "Traffic," is amended by enacting a new Article XII, "Utility Vehicles," as follows:

"ARTICLE XII. - UTILITY VEHICLES

114-781. - Utility vehicles, operation on highway or streets and in streams or rivers prohibited — exceptions — passengers prohibited.

(a) No person shall operate a utility vehicle, as defined in Section 301.010, RSMo., upon the highways of this state or streets 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 state's secondary roads when operated between the hours of sunrise and sunset; and

(4) Utility vehicles operated in accordance with Section 114-782.

(b) No person shall operate a utility vehicle within any stream or river in this state, 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. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

(c) A person operating a utility vehicle on a 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 under 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 forty-five miles per hour.

(d) No person shall operate a utility vehicle:

(1) In any careless way so as to endanger the person or property of another; or

(2) While under the influence of alcohol or any controlled substance.

(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 person.

Section 114-782. - Operation on streets, permitted when.

(a) A utility vehicle may be operated upon the streets, but not State or Federal highways. Except as otherwise specified in this Article, every person operating a utility vehicle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other motor vehicle.

(b) The operator of a utility vehicle shall observe all traffic laws and local ordinances regarding the rules of the road. A utility vehicle may be operated on the streets with posted speeds of forty-five (45) miles per hour or less. The provisions of this Subsection shall not prohibit a utility vehicle from crossing a street with a posted speed limit of up to forty-five (45) miles per hour at an intersection.

(c) Each person operating a utility vehicle on the streets shall possess a valid driver's license issued pursuant to Chapter 302, RSMo. and be 18 years of age or older.

(d) Every operator of a utility vehicle shall maintain financial responsibility on such utility vehicle as required by Chapter 303, RSMo. if the utility vehicle is to be operated upon the streets.

(e) Unless the utility vehicle is designed and equipped to do so, there can be no passengers riding on said vehicle. If so equipped, the following shall apply:

(1) Children less than 4 years old or less than 40 pounds must be in an appropriate child safety seat. (Section 307.179, RSMo.);

(2) Children ages 4 through 7 who weigh at least 40 pounds must be in an appropriate child safety seat or booster seat unless they are 80 pounds or 4'9" tall. (Section 307.179, RSMo.);

(3) Children 8 and over or weighing at least 80 pounds or at least 4’9” tall are required to be secured by a safety belt or buckled into an appropriate booster seat. (Section 307.179, RSMo.);

(4) All passengers, under the age of 18, must wear an approved Department of Transportation helmet while riding; and

(5) No utility vehicle shall be operated with more occupants than the number for which it is designed and equipped.

(f) A utility vehicle must have seatbelts in good working condition. The number of passengers on a utility vehicle shall not exceed the number of operating seatbelts.

(g) The operation of Go Carts, Golf Carts, and All Terrain Vehicles/ATVs is prohibited on the streets.

Section 114-783. - Application for and proof of registration of utility vehicles.

(a) Utility vehicles operating on the public streets shall be registered.

(1) Each application for registration shall include basic identifying information for the utility vehicle (make, model, color, and such other identifying information as the City deems advisable); the name and address of the owner of the utility vehicle; and a copy of proof of financial responsibility. Registration and operation of utility vehicles shall be restricted to residents of the City. Registration must be renewed annually.

(2) A proof of registration issued by the City in the form of a receipt for registration and an identification sticker shall constitute all permits required from the City. The proof of registration shall be kept in the utility vehicle at all times of operation on a street, and the current registration sticker shall be conspicuously displayed on the rear exterior of the utility vehicle.

(3) The City may charge registration fees as follows: fifteen dollars ($15) for each one-year utility vehicle registration plus ten dollars ($10) for a processing fee.

(4) A utility vehicle must meet the following requirements and the registrant must sign and certify that such requirements have been met and are fully functional and operational: the brakes; the parking brake (if equipped); the steering column; the utility vehicle has not less than four (4) wheels; there is not less than two thirty-seconds (2/32) inch of tread depth remaining on each tire, there are no visible tire threads or cords showing and there is no visible rubber separation; and all items listed in Section 114-784.

Section 114-784. - Equipment Required on Utility Vehicles.

(a) Utility vehicles operated on the streets shall be manufactured and equipped in accordance with the requirements of Section 304.029, RSMo., and, in any case, will minimally be equipped with the following:

(1) Turn Signals;

(2) Headlamps;

(3) Tail lamps;

(4) Stop lamps;

(5) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear; and

(6) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror.

Section 114-785. - Penalty.

(a) In addition to revocation of the permit issued under this Article, any person violating any of the provisions of this Article shall be subject to the penalties set forth in section 1-5.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2021, by a vote of_____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney