

AN ORDINANCE OF THE CITY COUNCIL AMENDING TITLE III, CHAPTER 300, SECTION 300.020 (“DEFINITIONS”), AND ADDING NEW SECTION 340.125 (“GOLF CARTS AND UTILITY TASK VEHICLES”) TO TITLE III, CHAPTER 340, OF THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI

WHEREAS, the City of Republic, Missouri, (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City has recognized the need to continually review and revise the City Municipal Code to ensure conformity with governing state and/or federal law, enhance clarity, and eliminate ambiguity in its language, as well as to meet the evolving demands and/or needs of the City’s citizens when such demands and/or needs are warranted and in accord with the City’s mission, vision and values, and in the best interests of the City and its citizenship body as a whole; and

WHEREAS, the City has identified a need to amend the existing provisions of the Republic Municipal Code to include specifications for the use of certain golf carts and certain utility task vehicles on or about City streets.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1: Title III (“Traffic Code”), Chapter 300 (“General Provisions”), Section 300.020 (“Definitions”), of the Municipal Code of the City of Republic, Missouri, is hereby **amended** to read as follows:

300.020 Definitions

The following words and phrases when used in this Title mean:

ALLEY OR ALLEYWAY Any street with a roadway of less than twelve (12) feet in width.

ALL-TERRAIN VEHICLE 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.

AUTHORIZED EMERGENCY VEHICLE A vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the State Highway Patrol, Police or Fire Department, Sheriff, Constable or Deputy Sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls.

COMMERCIAL VEHICLE Every vehicle designed, maintained or used primarily for the transportation of property.

CONTROLLED ACCESS HIGHWAY Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

CROSSWALK

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.
2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER Every person who drives or is in actual physical control of a vehicle.

FREIGHT CURB LOADING ZONE A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

GOLF CART A motor vehicle designed for operation on a golf course, or for sporting, or for other recreational purposes, which is not capable of exceeding a speed of twenty-five miles per hour within one mile of travel.

HIGHWAY The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

INTERSECTION

1. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

MOTOR VEHICLE Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

MOTORCYCLE Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

MOTORIZED BICYCLE Any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

MOTORIZED PLAY VEHICLE Includes mini-motorcycles, pocket bikes, or any similar miniaturized two-wheel vehicle that is capable of transporting a person or persons at a speed in excess of five (5) miles per hour or motorized skateboards not having a seat or saddle for use of the rider; that is self

propelled by a motor or engine and is not otherwise defined by Missouri Statutes or the Republic City Code as a motor vehicle, motorcycle, or motorized bicycle.

OFFICIAL TIME STANDARD Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the City.

OFFICIAL TRAFFIC CONTROL DEVICES All signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

PARK OR PARKING The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PASSENGER CURB LOADING ZONE A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN Any person afoot.

PERSON Every natural person, firm, co-partnership, association or corporation.

POLICE OFFICER Every officer of the municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

RAILROAD A carrier of persons or property upon cars operated upon stationary rails.

RAILROAD TRAIN A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

RESIDENCE DISTRICT The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

STAND OR STANDING The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

STOP When required, complete cessation from movement.

STOP OR STOPPING When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control sign or signal.

STREET OR HIGHWAY The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. "*State Highway*", a highway maintained by the State of Missouri as a part of the State Highway system.

THROUGH HIGHWAY Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this Title.

TRAFFIC Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

UTILITY TASK VEHICLE (UTV) Any motorized vehicle designed or manufactured for off-road use which is more than fifty (50) inches but no more than seventy-five (75) inches in width, has an unladen try weight of two thousand (2,000) pounds or less, and travels on four (4) or six (6) wheels, with a minimum of two (2) bucket or bench-style seats positioned side-by-side and enclosed within a roll cage structure, and equipped with foot controls and a steering wheel.

VEHICLE Any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons.

EXPLANATION: Matter shown above in **bold-face/underlined font** (except for Section title(s)) is added language. Matter shown above in ~~striketrough font~~ is deleted language.

Section 2: Title III ("Traffic Code"), Chapter 340 ("Miscellaneous Driving Rules") of the Municipal Code of the City of Republic, Missouri, is hereby **amended by adding new Section 340.125** ("Golf Carts and Utility Task Vehicles"), to read as follows:

Chapter 340 Miscellaneous Driving Rules

340.125 -- Golf Carts and Utility Task Vehicles

A. Requirements for Lawful Operation. Operation of a golf cart or utility terrain vehicle ("UTV"), as defined in City Code § 300.020, on City streets, highways or roadways with a speed limit of thirty (30) miles per hour or less, is allowed under this Section, *provided* the following conditions are met:

- 1. The operator of the golf cart or UTV shall not exceed a travel speed of twenty (20) miles per hour;**

- 2. The operator of the golf cart or UTV shall be at least sixteen (16) years of age or older, and shall have a valid driver's license from his/her state of residence;**
 - 3. The golf cart or UTV shall be equipped with adequate brakes capable of bringing the golf cart or UTV to a full stop without undue delay;**
 - 4. The golf cart or UTV shall not be in motion at any time when the number of occupants, inclusive of the operator, exceeds the occupant maximum rating by the manufacturer of such golf cart;**
 - 5. If the golf cart or UTV is not equipped with turn signals, the operator of the golf cart or UTV shall use proper hand signals to indicate upcoming turns or changes in direction of travel;**
 - 6. If being operated after daylight hours, the golf cart or UTV shall be equipped with two properly functioning headlights and at least one properly functioning tail-light and brake-light;**
 - 7. The operator, and all passengers of a golf cart or UTV, shall be restrained by seat/safety belts and shall remain seated while the golf cart or UTV is in motion;**
 - 8. The operator of the golf cart or UTV must abide by all traffic regulations that apply to vehicular traffic on authorized streets and parking areas of the City;**
 - 9. The golf cart or UTV shall be insured, and proof of such insurance shall be made available upon request, in accord with the provisions and requirements of City Code § 390.140. Failure to comply with this requirement shall subject the operator of the golf cart or UTV in violation to the penalties provided in City Code § 390.140(F);**
- B. Prohibited Uses; Exceptions.**
- 1. Except as otherwise allowed under City Code § 340.125(B)(5), no person shall operate a golf cart or UTV on City streets, highways or roadways, as defined in City Code § 300.200, under any of the following conditions:**
 - a. If the street, highway or roadway upon which the golf cart or UTV is operated has a speed limit exceeding thirty (30) miles per hour;**
 - b. If the golf cart or UTV operator fails to meet the requirements for lawful operation of golf carts and UTVs as set forth in City Code § 340.125(A);**
 - c. In a careless or imprudent manner so as to endanger or cause a risk of harm to the person or property of another;**
 - d. While under the influence of alcohol or any other controlled substance; or**
 - e. Unless the golf cart or UTV operator possesses a valid special use permit issued by the City pursuant to City Code § 340.125(D).**
 - 2. No person shall authorize or knowingly allow the operation of a golf cart or UTV owned or controlled by such person in any manner that violates this Code or state law.**

- 3. No person may operate a golf cart or UTV on any portion of a street, highway or roadway specifically excluded under City Code § 340.125(C). This prohibition includes a golf cart or UTV operator crossing over or driving immediately adjacent to an excluded street, highway or roadway.**
 - 4. No person may operate a golf cart or UTV on any portion of a state highway within the City limits. This prohibition includes a golf cart or UTV operator crossing over a state highway to access an otherwise permitted street, highway or roadway under this Chapter.**
 - 5. Operation of a golf cart or UTV upon City streets, highways and roadways, as defined in City Code § 300.200, that is otherwise prohibited under this Section, shall be permissible and deemed lawful when such operation is for any one of the following limited purposes:**
 - a. The golf cart or UTV is owned or leased by a governmental entity and is being used for official City business or use(s); or**
 - b. The golf cart or UTV is operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of such operation.**
- C. Excluded Streets, Highways and Roadways. The following City streets, highways and roadways are excluded from the permissible operation of golf carts as otherwise set forth in this Chapter. No person shall be permitted to operate a golf cart or UTV on any portion of the excluded streets listed below.**
- 1. Elm Street**
 - 2. Main Avenue**
 - 3. Hines Street**
 - 4. Lynn Avenue**
 - 5. Miller Road**
 - 6. Boston Lane**
 - 7. Bailey Street**
 - 8. Hampton Avenue**
 - 9. West Avenue**
 - 10. O'Neal Road**
 - 11. Kansas Avenue**
 - 12. Oakwood Avenue (from U.S. Highway 60 to Kentwood)**
 - 13. Illinois Avenue**
- D. Special Use Permit Required for Golf cart or UTV Operation on City Streets, Highways and Roadways. Any golf cart or UTV being operated on a City street, highway or roadway, as defined in City Code § 300.200, shall be issued a Special Use Permit ("Permit") annually. The Republic Police Department shall prepare an application form for the Permit and shall require a payment of \$15.00 for each Permit issued. Each Permit issued pursuant to this Section shall be issued for a single golf cart or UTV only, and is not transferrable to other golf carts, UTVs or vehicles. Any**

person submitting an application for a Permit must show valid proof of insurance and a valid Missouri driver’s license at the time of submittal. Once issued a Permit, the City will provide a sticker containing identifying numbers unique to such Permit, which shall be attached to the rear of the registered golf cart or UTV and be visible for inspection upon request.

E. Penalties Any person who violates or fails to comply with any provision of this Section shall be deemed guilty of a municipal ordinance violation and shall be subject to a fine and court costs from \$200 up to \$450 per violation, but not to exceed the amount allowed under City Code § 100.220 and Section 479.353, RSMo. Each day the violation exists shall constitute a separate violation for which a fine and court costs may be assessed.

EXPLANATION: Matter shown above in **bold-face/underlined font** (except for Chapter title(s)) is added language. Matter shown above in ~~strikethrough font~~ is deleted language.

Section 3: All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance, shall remain unmodified and in full force and effect.

Section 4: The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.

Section 5: The WHEREAS clauses are hereby specifically incorporated herein by reference.

Section 6: The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 7: This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2024.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: