

CITY OF WAVERLY

111 East Kelling
Waverly, Mo. 64096
(660)493-2551

Bill No 2332

Ordinance No 2332

AN ORDINANCE OF THE CITY OF WAVERLY, LAFAYETTE COUNTY, MISSOURI, TO ALLOW THE OPERATION OF ALL-TERRAIN VEHICLES, UTILITY TERRAIN VEHICLES (U.T.V.) AND MOTORIZED PLAY VEHICLES, TO BE DEFINED BELOW, UPON ALL CITY STREET AND ALLEYS WITH A SPECIAL PERMIT ISSUED BY THE CITY OF WAVERLY. THIS OPERATION DOES NOT INCLUDE CITY OWNED PARKS OR MISSOURI STATE HIGHWAY 24 (WALNUT STREET).

Be it ordained by the Board of Alderman of the City of Waverly, Missouri as follows:

Section 1: Definitions.

A) An "all terrain vehicle" is any motorized vehicle manufactured and used exclusively for off-highway use which is fifty(50) inches or less in width, with an un-laden dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a minimum seat height of 18 inches and seat designed to be straddled by the operator, and handlebars for steering control, snowmobiles included. All terrain vehicles does not include trucks or automobiles.

B) A Utility Terrain Vehicle (U.T.V.) is any motorized vehicle manufactured and used exclusively for off-highway use which is sixty(60) inches or less in width, with an un-laden dry weight of two (2) thousand pounds or less, traveling on three, four or more low pressure tires, with a minimum seat height of 18 inches and has a seat designed for two or more persons to be seated side-by-side.

C) A Motorized Play Vehicle is any mini-motorcycle, pocket bike, go-cart and any other vehicle that is capable of transporting a person or persons at a speed of more that five (5) miles per hour; that is self propelled by a motor or engine and is not otherwise defined by Missouri State Statutes as a motor vehicle, motorcycle, bicycle, or motorized bicycle.

D) A Golf Cart is any motorized or electric vehicle manufactured primarily for transporting up to two (2) persons while playing golf. Golf Carts are typically sixty (60) inches or less in width and travel on three (3), four (4) or more low pressure tires. The cart is designed for off-highway use. Carts modified to accommodate more that two (2) passengers are included.

E) A "Vehicle" or "Vehicles" is defined as any of the above mentioned in section A,B,C,and D.

Section 2: Person is defined as any natural person, corporation, or legal entity. No person shall operate any of the above listed vehicles as defined in this ordinance upon the streets, alleys, or public ways, to include sidewalks of this city, except as follows:

1. All above listed vehicles operated for agricultural purposes, industrial on-premise purposes or recreational purposes may be operated between the official sunrise and sunset on the day of operation, unless that "vehicle" displays at least one (1) working head lamp and one (1) working tail/stop lamp. These "vehicles" may be operated up to 9:00 pm Sunday through Thursday regardless of any holiday scheduled during these days, and up to 11:00pm on Friday and Saturday. All other "vehicles" must comply with section four (4).

Section 3: Prohibited in streams, exceptions: No person shall operate an off-road vehicle within any stream or river in this city, except that off-road vehicles may be operated within the waterways which flow within the boundaries of land which an off-road vehicle operator owns or has permission to be upon.

Section 4: License and flag required: A person operating any above listed "vehicles" on a street or alley, pursuant to an exception covered in this ordinance, shall have a valid operators or chauffeurs 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 up to and not to exceed twenty five miles per hour. When operated on any city street or alley, the vehicle shall have a bicycle safety flag, which extends not less than six 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 thirty square inches and shall be day-glow in color. Any "vehicle" which complies with section two (2) will not be required to display a safety flag.

2. All above listed "vehicles" must have placed upon the "vehicle", in an easily visible location, a special permit issued by this city. This permit shall be issued on an annual basis by the city clerk who shall prepare an application form for the special permit and charge a fee of \$15.00 for each permit annually. Permits are non-transferable.

Section 5. Careless driving, under the influence, helmet required: No person shall operate any of the listed vehicles:

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;
3. Without a securely fastened safety helmet on the head, unless the individual is at least eighteen years of age.

Section 6: Passengers prohibited, exception. No operator shall carry a passenger unless otherwise stated in this ordinance.

Section 7: Penalty. Any person violating any provisions of this ordinance shall upon conviction be fined not less than \$100.00 nor more than \$500.00 together with the court costs. The parent or legal custodian of any person under the age of sixteen (16) who does not hold a valid drivers license will be fined as stated in this ordinance instead of the operator of the "vehicle".

Section 8: **Effective date:** This ordinance shall be in full force and effect from and after this passage is approved.

READ TWO TIMES, PASSED AND APPROVED BY THE BOARD OF ALDERMAN OF THE CITY OF WAVERLY THIS 7TH DAY OF OCTOBER, 2008.

Barbara Schaeffer
MAYOR

Attest:

Fannie L. Warner
CITY CLERK