

AN ORDINANCE OF THE CITY OF LOWRY CITY, MISSOURI AMMENDING THE TRAFFIC ORDINANCE OF THE CITY OF LOWRY CITY, MISSOURI, TO GOVERN THE OPERATION OF ALL-TERRAIN VEHICLES ON CITY STREETS.

WHERE AS, the 84<sup>th</sup> General Assembly enacted H. B. 990 regulating all-terrain vehicles.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LOWRY CITY, MISSOURI AS FOLLOWS:

Section 1. Definitions: An “all-terrain vehicle” is any motorized vehicle designed for and capable of travel over designated unpaved roads, traveling on four (4) or more low-pressure tires of twenty (20) psi or less, maximum width less than seventy-four (74) inches, maximum weight less than two thousand (2,000) pounds, or having a wheelbase of ninety-four (94) inches or less.

Section 2, Prohibited on city streets, exceptions. No person shall operate an off-road vehicle upon the streets of this city, except as follows:

1. All terrain vehicles operated for agricultural purposes or industrial on-premise purposes between the official sunrise and sunset on the day of operation.
2. All terrain vehicles whose operators carry a special permit issued by this city. The city clerk shall prepare an application form for the special permit and charge a fee of \$15.00 for each permit. Vehicle may be operated between the official sunrise and sunset on the day of operation.

Section 3. Prohibited in streams, exceptions. No person shall operate an off-road vehicle within any stream or river in this state, 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.

Section 4. License, Insurance, and Flag required. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this section shall have a valid operator’s or chauffeur’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 thirty (30) miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (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 thirty square inches and

shall be day-glow in color. Proof of insurance shall be maintained at all times.

Bicycle Safety flags shall be inscribed with a number issued by the City Clerk.

Section 5. Careless driving, under the influence, helmet required. No persons shall operate an all-terrain 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;
3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle unless the individual is at least eighteen (18) years of age.

Section 6. Passengers prohibited, exception. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is designed to carry more than one person side by side.

Section 7. Penalty. Any person violating this ordinance may be fined an amount not less than \$100.00 and not more than \$500.00 dollars.

Section 8. Effective date. This ordinance shall be in full force and effect from and after its passage and approval.

Section 9. Repeal of conflicting ordinances. Passage of this bill into ordinance shall effectively repeal ordinance #08-01.

Passed this 16<sup>th</sup> day of June, 2009.

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John Neuenschwander, Mayor of Lowry City

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Date

Attest:

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City Clerk

AYES:

Charles Cone

Charles Snethen

Steve Elsey

Sean Langston

NAYS: