Bill Number 640 Ordinance No. 640

AN ORDINANCE ADDRESSING THE OPERATION, EXCEPTIONS AND PROHIBITIONS RELATED THERETO OF RECREATIONAL OFF-HIGHWAY UTILITY VEHICLES WITHIN THE CITY OF IRONTON, MISSOURI, LICENSES, SPECIAL-USE PERMITS AND LIMITATION OF USE AND OPERATION THEREOF

WHEREAS, the Mayor and Board of Aldermen have discussed the operation and use of recreational off-highway utility vehicles within the City of Ironton, Missouri; and

WHEREAS, persons have requested clarification on the city's policy and ordinances with respect thereto, including the police department of the City of Ironton; and

WHEREAS, the Board of Aldermen, Mayor and City Attorney have reviewed Sections 304.032 and 304.033 RSMo with respect to State statutes relative thereto; and

WHEREAS, the city desires to clarify and update its ordinance with respect to the operation, licensing, permitting and prohibition of recreational off-highway utility vehicles being operated within the city.

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

Section 1. Definitions. For purposes of this ordinance, the term "Recreational Off-Highway Utility Vehicle" shall be defined as any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty (50) inches but no more than sixty-seven (67) inches in width, with an unladen dry weight of two thousand (2,000) pounds or less, traveling on four (4) or six (6) wheels, or four (4) or more non-highway tires, to be used primarily for landscaping, lawn care, or maintenance purposes, or which may have access to ATV trails. *(Definitions are in Section 300.010 of the Municipal Code.)*

Section 2. Prohibitions.

A. No person shall operate a recreational off-highway utility vehicle, as defined above, upon the highways of the City of Ironton, except as follows:

1. Recreational off-highway utility vehicles owned and operated by a governmental entity for official use;

2. Recreational off-highway 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;

3. Recreational off-highway utility vehicles with a special permit issued by the City of Ironton, operated between the official sunrise and sunset on the day of operation, unless equipped with proper lighting. Special permits must be renewed by the City

of Ironton each year, between January 1 and April 30, for that calendar year. The special permit must be kept in the recreational off-highway utility vehicle at all times, and must be presented to law enforcement officers when requested. Special permits are non-transferable.

B. Before issuance of a recreational off-highway utility vehicle special permit, the vehicle must pass a safety inspection by the Ironton Police Department. The safety inspection shall include headlights, tail lights, brake lights, seat belts and muffler. The safety inspection shall be valid for two (2) years.

C. A permit fee of $15.00 must be paid to the Ironton City Collector upon issuance of a recreational off-highway utility vehicle special permit. An annual fee of $15.00 must be paid to the Ironton City Collector each year, between January 1 and April 30, to renew a recreational off-highway utility vehicle special permit for that calendar year. *(Fees are in Section 155.010 of the Municipal Code.)*

D. If a recreational off-highway utility vehicle special permit is lost, a replacement may be obtained from the Ironton City Collector. A $5.00 fee must be paid to the Ironton City Collector for a replacement a recreational off-highway utility vehicle special permit. *(Fees are in Section 155.010 of the Municipal Code.)*

E. Any person operating a recreational off-highway utility vehicle shall maintain proof of financial responsibility in accordance with Section 303.160, RSMo., or maintain any other insurance policy providing equivalent liability coverage for a utility vehicle. Proof of insurance must be presented to law enforcement officers when requested.

F. No person shall operate a recreational off-highway utility vehicle within any stream or river in the City of Ironton, except that recreational off-highway utility vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of the City of Ironton at such road crossings as are customary or part of the highway system. All Law Enforcement Officials shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

G. No person shall operate a recreational off-highway utility vehicle upon a highway in the City of Ironton between the official sunset and sunrise without displaying lighted headlamps and lighted tail lamps.

H. A person operating a recreational off-highway 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 "2.A.2" of this ordinance 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 (45) miles per hour.

I. No persons shall operate a recreational off-highway 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.

J. An operator of a recreational off-highway utility vehicle shall only carry the number of passengers that the seat(s) of such vehicle is designed to carry.

K. The operator of a recreational off-highway utility vehicle, and all passengers, must wear seat belts while the vehicle is in operation.

L. A violation of this Section shall be an ordinance violation. In addition to other legal remedies, the Ironton City Attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

Section 3. Municipal Code Citation. The preceding sections shall be indexed into the Ironton Municipal Code.

Section 4. Severability. The sections, paragraphs, sentences, and clauses of this Ordinance are severable, and if any section, paragraph, sentence or clause of this Ordinance is declared to be unconstitutional by a court of competent jurisdiction, such unconstitutionality shall have no effect upon the remaining sections, paragraphs, sentences, and clauses of this Ordinance.

Section 5. Repeal Conflicting Ordinances. All Ordinances or parts of Ordinances in conflict herewith shall be, and the same are hereby repealed; and this Ordinance shall be in full force and take effect from and after its passage and approval as provided by law.

Section 6. Effective Date. This ordinance shall be in full force and effect from and after the date of its passage and approval.

THIS ORDINANCE HAVING BEEN READ IN FULL ON THIS 13th DAY OF AUGUST 2018, THE BOARD OF ALDERMEN VOTED AS FOLLOWS:

Alderman Allen	Aye_____
Alderman Barzowski	Aye_____
Alderman Gardner	Aye_____
Alderman Layton	Aye_____

THIS ORDINANCE HAVING BEEN READ BY TITLE ONLY THE SECOND TIME ON THIS 13th DAY OF AUGUST, 2018, THE BOARD OF ALDERMEN VOTED AS FOLLOWS:

Alderman Allen	Aye_____
Alderman Barzowski	Aye_____
Alderman Gardner	Aye_____
Alderman Layton	Aye_____

THIS ORDINANCE HAVING BEEN READ BY TITLE ONLY THE THIRD TIME ON THIS 13th DAY OF AUGUST, 2018, THE BOARD OF ALDERMEN VOTED AS FOLLOWS:

Alderman Allen	Aye_____
Alderman Barzowski	Aye_____
Alderman Gardner	Aye_____
Alderman Layton	Aye_____

WHEREUPON, this ordinance was declared by the Mayor of the City of Ironton, Missouri, to have been enacted and the Clerk is hereby ordered to enroll the same in the records of the ordinances of the City of Ironton, Missouri.

Dated this 13th day of AUGUST, 2018.

Robert W. Lourwood, Mayor

ATTEST:

Donna D. Campbell

Donna D. Campbell, City Clerk