CITY OF NORBORNE

BILL NO. 4-2024

ORDINANCE NO. 678

AN ORDIANCE REPEALING ORDINANCE NO. 488 AND, IN RELATION THERETO, REVISING RESTRICTIONS OF THE ALL TERAIN VEHCLES (ATV), UTILITY VEHICLES (UTV), AND GOLF CARTS ON CITY STREETS WITHIN THE LIMITS OF THE CITY OF NORBORNE, MISSOURI, EXCEPT WITH A SPECIAL PERMIT.

WHEREAS, the Board of Aldermen of the City of Norborne, Missouri, has determined that it is in the best interests of said City and the public's health, safety, and welfare to adopt an Ordinance which restricts the operation of ATV/UTV/Golf Carts within the limits of the city.

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

SECTION I: Definitions:

1. All-Terrain Vehicle (ATV) – is defined as a motorized vehicle manufactured and used exclusively for off-highway use, which is fifty inches or less in width, with an unladen dry weight of 600 pounds or less, traveling on three, four or more low pressure tires, with a seat designated to be straddled by the operator, and handlebars for steering control.

2. Golf Cart – A low-speed, battery-or gas-powered, three- or four-wheel vehicle used for transporting 1-4 passengers.

3. Utility-Terrain Vehicles (UTV) – Any motorized vehicle manufactured and used exclusively for off-highway use, which is sixty-three inches or less in width, with an unladen dry weight of 1,850 pounds or less, traveling on four or six wheels.

SECTION II: Requirements for operating an ATV/UTV/Golf Carts within the City:

1. Operators shall have a valid driver's license.
2. Any operator or passenger(s) of a UTV must wear a securely fastened seat belt.
3. All-terrain vehicle operators and passengers will wear a securely fastened helmet if under the age of 18.
4. Must be operated at a speed of less than 30 miles per hour (RsMo 304.034) and shall obey speed zones and traffic regulations.
5. Have a safety flag which extends not less than 7 feet above the ground, attached to the rear of the vehicle; the flag shall be day-glow orange in color and shall be triangular with an area not less than 30 square inches.
6. The motorized vehicle must be properly insured, and such proof of insurance shall always be kept with the vehicle. Such insurance shall specifically list the utility vehicle as reference by the serial number and year of model.
7. ATV/UTV/Golf Carts operators shall carry a special permit issued by the City. The City Clerk shall prepare an application form for the permit and charge a fee of $20 for each permit which shall be for a term of 1 year. The only exception is for government entities on official business or for agricultural purposes on premises between the official sunrise and sunset on the day of operation.
8. No person shall operate an all-terrain vehicle within any stream, drainage ditch or river in the City of Norborne, Missouri, except that all-terrain vehicles may be operated within such waterways which flow within the boundaries of land which an all-terrain vehicle operator owns, or for agricultural purposes within the boundaries of land which an all-terrain vehicle operator owns or has permission to be upon.
9. Operators with a 3-day free soybean festival pass will adhere to this ordinance.
10. All vehicles shall have a breaking system maintained in good operating condition.
11. A lighted headlamp and tail lamp which shall be in operation at any time from one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise or as otherwise specified in Section 307.020, RSMo.

SECTION III: Operation restrictions:

1. No person shall operate an ATV/UTV/Golf Cart:
    a. In any careless way to endanger the person or property of another,
    b. While under the influence of alcohol, marijuana, or any controlled substance,
    c. Without a securely fastened helmet, unless over the age of 18, or
    d. ATV operators shall not carry a passenger, except for agricultural purposes.
    e. On roads maintained by MoDot, except within the city limits.

SECTION IV: Penalty for Violation

1. Any person who violates the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed $100 for the first offense and $150 for the second offense and $250 for the third and successive offenses. A conviction of the third offense shall prevent any person from obtaining a permit under the provision so this ordinance for a period of 5 years.

SECTION V: Severability

If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any Cour of competent jurisdiction such decision shall not affect the validity of the remaining portion of this Ordinance.

SECTION VI: EFFECTIVE DATE.

This ordinance shall be in full force and effective after its final passage and approval.

Read three (3) times and duly ADOPTED and PASSED by the Board of Aldermen of the City of Norborne, Missouri, this 9 day of April, 2024.

Chris Leabo, Mayor

[Seal]

ATTEST:

Kimberly Lyon, City Clerk

APPROVED by the Mayor this 9 day of April, 2024.

Chris Leabo, Mayor

[Seal]

ATTEST:

Kimberly Lyon, City Clerk

CERTIFICATE

I, Kimberly Lyon, being the duly acting City Clerk of the City of Norborne, Missouri, a municipal corporation of the fourth class of the State of Missouri, do hereby certify that the above and foregoing is a true and complete copy of the ordinance No.675 as duly adopted at a meeting of the board of Aldermen of such city, duly called, convened and held this 9 day of April, 2023, at which time three of the four members of the Board of Aldermen were present and voting.

I do hereby further certify that said Ordinance is still in full force and effect and has not been rescinded, altered, or amended as of this date.

Dated this 9 day of April, 2024.

[Seal]

Kimberly Lyon

Kimberly Lyon, City Clerk