

Council Bill No. 2024-22

Ordinance No. 3690

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI AMENDING SECTION 340.110 OF THE
HARRISONVILLE MUNICIPAL CODE.**

WHEREAS, the City of Harrisonville desires to amend the Harrisonville Municipal Code to adopt updated regulations involving Utility Vehicles (UTV).

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

Section 1: Section 340.110 of the Harrisonville Municipal Code is hereby amended to read as follows:

“Utility vehicle means any motorized vehicle manufactured and used exclusively for off-highway use which is more than 50 inches but no more than 80 inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of 3,500 pounds or less, traveling on no less than four wheels, to be used primarily for landscaping, lawn care, or maintenance purposes. RSMo 301.010(71).

Operation, Exceptions, And Prohibited Uses.

A. No person shall operate a utility vehicle, as defined in this Section, upon the streets and highways of this City except as follows:

1. Utility vehicles owned and operated by a governmental entity for official use.
2. Utility vehicles operated for agricultural purposes or industrial or commercial on-premises purposes between the official sunrise and sunset of the day of operation unless equipped with proper lighting.
3. Vehicles operated by disabled persons for short distances, occasionally on the City’s secondary roads only, when operated between the hours of sunrise and sunset.
4. Pursuant to Section 304.032, RSMo, municipal governing bodies may issue special permits for licensed drivers to use utility vehicles on city streets or highways within the city limits, subject to an inspection. The City shall issue the permits annually and affix them to the utility vehicle, which must always be visible during operation. The fee for the annual permit shall be \$15.00.
5. No person shall operate a utility vehicle within any stream or river in this City, except that utility vehicles may be operated within waterways that flow within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river

of this State as such road crossings as are customary or part of the highway system.

- B. A person operating a utility vehicle on a street or highway 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. The intermediate driver license rules, described in RSMo 302.178, apply to a utility vehicle's operation.
- C. The operator of a utility vehicle must obey all the same traffic laws as an operator of a motor vehicle and all other applicable municipal ordinances. The operator of any utility vehicle must have a valid driver's license.
- D. No person shall operate a utility vehicle, as defined in this Section, on a street or highway as follows:
 - 1. In excess of the posted speed limit;
 - 2. On roadways with posted speeds in excess of forty-five (45) miles per hour;
 - 3. In any careless way to endanger the person or property of another. This includes the Siddens Hands-Free Law described in RSMo 304.822;
 - 4. While under the influence of alcohol or any controlled substance. This includes Open Containers as listed in Harrisonville City Ordinance Chapter 342;
 - 5. Without proof of financial responsibility in the same manner as required in Section 390.140 (303.160, RSMo), or maintain any other insurance policy providing equivalent liability coverage for a utility vehicle; if stopped, the operator of the vehicle will be required to show proof of said liability insurance; and
 - 6. With a passenger or rider, unless said vehicle is designed for passengers or riders; provided, however, the operator shall not allow more passengers than the number of seats or passenger allowance for the utility vehicle. Each and every passenger must be restrained by a proper and valid seat belt or other harness in compliance with Missouri law.
- E. Every utility vehicle operated on a street or highway within the City shall have the following equipment and capabilities:
 - 1. Functioning headlights, taillights, brake lights, and turn signals which shall be in operation at any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise or as otherwise specified in Ordinance 380.010 (RSMo 307.020) the definition of "when lighted lamps are required";
 - 2. A braking system maintained in good operating condition;

3. An adequate muffler system in good working condition and a United States Forest Service-qualified spark arrester;
 4. A functioning factory-installed speedometer that measures and instantaneously displays the vehicle's speed and must be capable of reaching the speed limit on any street on which the vehicle is authorized for operation; and
 5. A safety belt or harness for driver and occupant(s) in accordance with Ordinance 380.150 (RSMo 307.178) and 380.170 (RSMo 307.179). Ordinance 380.170 specifically refers to transporting children.
- F. A City permit for a utility vehicle to be operated on City streets and highways within the City limits of the City of Harrisonville shall be issued by a representative of the Police Department or other designated City official when the following has been provided:
1. The utility vehicle owner's address, name, contact information, and other necessary information as outlined on a form provided by the City of Harrisonville;
 2. An affidavit provided by the applicant that the utility vehicle complies with the provisions of this Article;
 3. Proof of financial responsibility for the permit vehicle as listed in Ordinance 390.140 (RSMo 303.025); and
 4. Payment of a utility vehicle permit fee as listed in the City of Harrisonville fee schedule.
- G. Law enforcement officials have the lawful authority to conduct traffic stops to confirm that individuals possess the necessary documentation or authorization to operate a UTV.
- H. Fee. The utility vehicle permit fee shall be set at \$15.00. This fee shall be added to the City's fee schedule, listed in the City's Code of Ordinances, and held on file in the City offices.
- I. Permit. The permit described in this Section shall be affixed to the bumper or rear portion of the UTV so that it is easily visible from the rear.
- J. Violation Penalty. Any person who violates the terms of this Section shall, upon a plea of guilty or a finding of guilt, be fined not less than Two Hundred Twenty Five Dollars (\$225.00). Any person who violates the terms of this Section for a second time shall, upon a plea of guilty or a finding of guilt, be subject to the financial penalty described herein and have their UTV permit suspended for ninety (90) days.

Any person who violates the terms of this Section for a third time shall, upon a plea of guilty or a finding of guilt, be subject to the financial penalty described herein and have their UTV permit revoked for a period of time not less than one (1) year. Any subsequent violation under this subsection shall result in a permanent revocation of the individual's UTV permit together with the financial penalties described herein.

- K. Affidavit Penalty. Any person who knowingly falsifies the affidavit required under Section 340.110(F)(2) shall, upon a plea of guilty or a finding of guilt, be fined not less than Five Hundred Dollars (\$500.00). Any person who pleads guilty or is found guilty of falsifying their affidavit shall have their UTV permit suspended for ninety (90) days. Any person who pleads guilty or is found guilty of falsifying their affidavit for a second time shall have their UTV permit revoked for a period of time not less than one (1) year together with the financial penalty described herein. Any subsequent violation under this subsection shall result in a permanent revocation of the individual's UTV permit, together with the financial penalties described herein.
- L. Length of Permit. The UTV permit shall expire on December 31 of the year in which it was issued.

Section 2. This ordinance shall become effective on May 22, 2024.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 6TH OF MAY 2024 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 20TH DAY OF MAY 2024 AND PASSED BY THE BOARD OF ALDERMEN THIS 20TH DAY OF MAY 2024.

VOTE TAKEN AS FOLLOWS

AYES: Chaney, Davidson, Doerhoff, Mills, Milner, Pfautsch, Turner

NAYS:

ABSENT:

ABSTAIN:

EXCUSED: Franklin,



Mike Zaring, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 20TH day of May 2024.