

**AN ORDINANCE OF THE CITY OF ST. MARY, MISSOURI REPEALING ORDINANCE 963 AND REGULATING GOLF CARTS AND UTILITY VEHICLES.**

**BE IT ORDAIANED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. MARY, MISSOURI, AS FOLLOWS:**

**SECTION 1.** *Definitions: As used in this Section, the following terms shall have these prescribed meanings:*

"CITY"           The corporate limits of the City of St. Mary, Missouri.

"STREETS AND ALLEYS"   Those roadways that have been accepted or platted by the City of St. Mary, Missouri as public streets and alleyways.

"GOLF CART"   A motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes.

"UTILITY VEHICLE"   Means 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 or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes

"PERMIT FEE"   An administrative charge of twenty five dollars (\$25.00) imposed as specified in this Section for the granting of a golf cart / utility vehicle registration permit for the calendar year it is purchased in.

**SECTION 2.** *Limitations On Golf Cart / Utility Vehicle Operations On Designated Public Streets.*

Any golf cart / utility vehicle operating on the streets and alleys of the city of St. Mary must adhere to the following regulations:

1. Every golf cart / utility vehicle shall obtain a permit and pay the annual permit fee to the city collector to be allowed to operate on streets and alleys.
2. Every person operating a golf cart / utility vehicle on the public streets and alleys of the city of St. Mary shall be subject to all of the duties applicable to a driver of a motor vehicle imposed by law, specifically including those laws pertaining to the possession and use of drugs and alcoholic beverages and operating a motor vehicle under the influence thereof.
3. All golf cart / utility vehicle operators must be 16 years or older and possess a valid driver's license.
4. Any passenger eight (8) years or younger or weighing eighty (80) pounds or less is required to wear a helmet and be fastened by a safety belt.
5. Every golf cart / utility vehicle that is operated on streets or alleys of St. Mary shall display a hazard triangle and an orange safety flag that is at least 2' above the roof with an orange flag area of at least 6" x 9".

**6.** Golf carts / utility vehicles shall be operated upon the streets and alleys only between ½ hour before sunrise to ½ hour after sunset.

**7.** This Section is designed to regulate overcrowding or reckless operation of a golf cart / utility vehicle; therefore, at no time shall any passengers stand on a golf cart / utility vehicle while it is in operation or sit on the lap of another passenger while it is in operation or extend any parts of the body outside of the golf cart / utility vehicle. Only two (2) persons may occupy a bench seat, one (1) person per bucket seat or carry more passengers than the golf cart / utility vehicle is specifically designed to carry.

**8.** Golf carts / utility vehicles must abide all posted speed limits and traffic regulations.

**9.** No golf cart / utility vehicle may be operated upon any private property without permission of the owner, the person entitled to immediate possession of the property, or the authorized agent of such.

**10.** No golf cart / utility vehicle may be operated upon on any sidewalk, path or walkway designed for use by pedestrians or operators of non-motorized vehicles (e.g. bicycles) unless designated as a golf cart lane.

**11.** No golf cart / utility vehicle may be operated by any person with an intermediate driver's license under Section § 302.178 RSMo with any passenger who is under the age of eighteen (18) years of age; and

**12.** The City Collector shall provide forms, decals, and rules necessary to implement adherence of the golf cart / utility vehicle regulations. The permit sticker shall be displayed in the lower corner of the windshield on the passenger side.

**13. *Liability disclaimer.*** This Section is adopted to address the interest of public safety. Golf carts / utility vehicles are not designed or manufactured to be used on public streets and the City of St. Mary in no way advocates or endorses their operation on public streets and alleys. The City of St. Mary by regulating such operation is merely trying to address obvious and continuing safety issues that have arisen by the increased use of such vehicles by the public. The adoption of the ordinance is not to be relied upon as a determination that operating on public streets is safe or advisable if done in accordance with this Section. All persons who operate or ride upon golf carts / utility vehicles on public streets or alleys do so at their own risk and must be observant of and attentive to the safety of themselves and others, including passengers, other motorists, bicycles and pedestrians. The City of St. Mary assumes no liability under any theory of tort or contract and specifically denies any such liability including comparative fault. Any person who operates a golf cart / utility vehicle is responsible for procuring and maintaining liability insurance sufficient to cover the risk involved with operating a golf cart / utility vehicle on public streets and alleys and the procurement of such insurance is a condition precedent to the lawful operation of a golf cart or utility vehicle under this Section.

**14.** It shall be unlawful for any person to operate or permit the operation of a golf cart / utility vehicle in any manner which violates the provisions in this ordinance. A violation of this ordinance shall be deemed an ordinance violation punishable by a fine of no more than five hundred dollars (\$500.00) and/or incarceration up to thirty (30) days in the County Jail. Anyone who violates the rules of this ordinance twice in a one-year period shall have their permit revoked for one year.

**15.** It must be assumed that the golf cart / utility vehicle has:

a. Has public liability insurance in at least the minimum required in Missouri for motorcycles (currently twenty-five thousand dollars (\$25,000.00) per person for bodily injury or death, fifty thousand dollars (\$50,000.00) for all persons injured or killed in a specific accident, and ten

thousand dollars (\$10,000.00) per accident for property damage). Operator must also sign a waiver with a release of liability.

- b. Must have two (2) working brake lights visible at a distance of five hundred (500) feet.
- c. Must have two (2) headlights visible at a distance of one hundred (100) feet.
- d. Must have a horn audible at a distance of five hundred (500) feet.
- e. Must have a windshield.
- f. Must have a roof.
- g. Must have brakes sufficient to stop the cart at its maximum speed within forty (40) feet.
- h. Must have rear view mirror.

**16. Renting or Leasing of Golf Carts / Utility Vehicles.** No person shall offer for rent or lease a golf cart / utility vehicle for use in St. Mary unless:

The person offering the cart / utility vehicle has a business license issued by the City of St. Mary.

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MAYOR – CARLTON WYATT

ATTEST:

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CITY MANAGER - DAVID B. WOODS

<u>ALDERMEN</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Jennifer Schwartz		X		
Clyde Cassoutt		X		
Zen Duda	X			
Annette Hacker	X			
<u>MAYOR</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Carlton Wyatt	X			

I, David B. Woods, Clerk of the City of St. Mary, Missouri, do hereby certify that the foregoing ordinance was duly read and passed at a regular meeting of the Board of Aldermen of St. Mary, Missouri on this the 13<sup>th</sup> day of August, 2020.

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CITY MANAGER - DAVID B. WOODS