

IN THE CITY OF LINN, MISSOURI

BILL NO. 2022-026

ORDINANCE NO. 1293

**AN ORDINANCE OF THE CITY OF LINN, MISSOURI, AMENDING AND REPLACING SECTION 14.348 OF CHAPTER 14 OF THE LINN CITY CODE.**

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF LINN, MISSOURI, AS FOLLOWS:

**Section 1:** Section 14.348 of Chapter 14, “Traffic Code of the City of Linn, Missouri” is hereby amended and replaced entirely thereby making section 14.348 read as follows:

**14.348 All-terrain vehicles, prohibited-exceptions, operation of all terrain vehicles under an exception- prohibited uses- penalties.**

1: Definitions. As used in this Section, the following words and phrases shall have the meanings prescribed herein:

- a. All-Terrain Vehicle (ATV) – As provided in Chapter 304, RSMo., any motorized vehicle manufactured and used exclusively for off-highway use. The operator is generally seated in a straddle position and steered by using handlebars. Most are operated with a thumb throttle but can be altered to use a twist throttle. To brake, operators can use either the brake handle or a foot pedal depending on what type of ATV is being operated. ATVs are open and do not have a cabin. These are also commonly known as a “quad” or “four-wheeler” and are generally meant for a single ride, although some are built for two riders.
- b. Golf Cart – A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and not capable of exceeding speeds in excess of twenty (20) miles per hour, and otherwise satisfies the definition of “golf cart” as provided in Chapter 304, RSMo.
- c. Low-Speed Vehicle or LSV – A four wheeled motor vehicle capable of a top speed greater than twenty (20) miles per hour, but not greater than twenty-five (25) miles per hour, and otherwise satisfies the definition of “low speed vehicle” as provided in Chapter 304, Section 304.029, RSMo.
- d. Neighborhood Vehicle – A low-speed vehicle or a golf cart as defined in this Chapter.
- e. Utility Terrain Vehicles, UTVs, Side-By-Side (SXS) – As provided in Section 301.010 and Chapter 304, RSMo., as “utility vehicle,” any motorized vehicle manufactured and used exclusively for off-highway use traveling on four (4) or more wheels between fifty (50) inches and sixty-seven (67) inches in width, unladen dry weight of two thousand (2,000) pounds or less with side-by-side occupant seating, a steering wheel, non-straddle seating, foot controls for throttle and braking, occupant restraints, and rollover protective structures.

2. Operation of neighborhood vehicles, UTVs and ATVs on public city streets, permitted when – exemptions.

A. Pursuant to the authority granted by Sections 304.029 and 304.032, RSMo., the City may allow by resolution or ordinance, persons to operate neighborhood vehicles, UTVs

upon any street or highway under the City's jurisdiction subject to the following limitations:

1. No person shall operate a neighborhood vehicle or UTV within the City unless it has been registered with the City Clerk. No person shall operate an UTV within the City unless they have also obtained a special permit issued by the Osage County Sheriff's Department.
2. To register for a Neighborhood Vehicle/UTV permit, an individual must provide the following to the City Clerk:
  - a. A completed Utility Vehicle/neighborhood Vehicle/ATV Registration Form, which includes:
    1. Owner's full name
    2. Address
    3. Phone number
    4. SSN or driver's license number
    5. Date of birth
    6. Vehicle make, model, year
    7. Vehicle VIN or serial number
    8. County permit number (if applicable).
  - b. Copy of the applicant's driver's license
  - c. A paid property tax receipt listing the UTV. This requirement is waived if the UTV was purchased in the prior or current calendar year. This requirement does not apply to neighborhood vehicles.
  - d. Proof of liability insurance that specifically lists the vehicle as referenced by the serial number/VIN number, year of model and meets proper coverage limits required by State laws for licensed motor vehicles.
  - e. Proof of registration and proof of insurance shall be carried with the vehicle, and produced upon request of any law enforcement officer. The registration sticker provided by the City of Linn should be affixed to the vehicle on the left rear fender.
  - f. Registrations are valid from January 1 until December 31, and shall be renewed yearly.
3. The Applicant shall pay the City of Linn, at the time of application, a fee of fifteen dollars (\$15) for a period of one year. These funds shall be deposited into a special account to be used to upgrade the Christmas decorations.
4. Every person operating a UTV within the City of Linn shall observe all traffic laws and local ordinances regarding the rules of the road. To the extent permitted by Section 304.032, RSMo., and other applicable Missouri law, every person operating a UTV shall be granted all the privileges and shall be subject to all the duties applicable to the driver of any other motor vehicle if it meets all other requirements of this Chapter.
5. Every person operating a neighborhood vehicle within the City of Linn shall observe all traffic laws and local ordinances regarding the rules of the road. To the extent permitted by Section 304.034 and 304.029, RSMo., and other applicable Missouri law, every person operating a neighborhood vehicle shall be granted all the privileges and shall be subject to all the duties applicable to the driver of any other motor vehicle if it meets all other requirements of this Chapter.
6. No person shall operate a neighborhood vehicle or UTV within any stream or river in this city, unless the waterways flow within the boundaries of land which the vehicle operator owns or has permission to be upon.

7. Neighborhood vehicles or UTVs shall not be operated at any time on any State or Federal highway with posted speed limits in excess of thirty-five (35) miles per hour. The provisions of this Subsection shall not prohibit a neighborhood vehicle or UTV from crossing a street or highway with a posted speed limit of up to forty-five (45) miles per hour at an intersection or roundabout.
8. ATVs shall not be operated at anytime upon any street or highway within the City of Linn, unless it is operated for agricultural purposes or industrial on-premises purpose between official sunrise and sunset on the day of operation or it is a municipal owned ATV.

B. Every operator of a Neighborhood vehicle or UTV shall maintain financial responsibility as required by chapter 303, RSMo.

C. Each person operating a neighborhood vehicle or UTV on public streets shall be over the age of eighteen (18), and possess a valid driver's license issued pursuant to Chapter 302, RSMo., or any other state to operate a motor vehicle.

D. Every neighborhood vehicle or UTV shall be equipped with the following:

1. A lighted headlamp, tail lamp, which shall be in operation while operating within the city's jurisdiction.
2. A seat belt for the operator and passengers.
3. A braking system maintained in good operating condition.
4. An adequate muffler system in good working condition.
5. Shall have a bicycle safety flag, which extends not less than seven 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-Glo in color.

E. No person shall operate a neighborhood vehicle or UTV:

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 under the age of eighteen (18);
4. Operate a Neighborhood vehicle or UTV on any park lands within the City of Linn, except those areas designated for vehicles, such as roads or parking lots or if the neighborhood vehicle or UTV is municipal owned.
5. Carrying passenger in excess of the maximum number of designed seating for the neighborhood vehicle or UTV. No passengers are allowed to ride in the bed of a UTV on City streets or highways.
6. No operator of a neighborhood vehicle or UTV shall carry passenger(s) that are less than sixteen (16) years of age unless the operator is a family member of such passenger(s)

### 3. Penalties.

- a. A violation of this Section shall be an ordinance violation, punishable by a fine of not less than one hundred dollars (\$100) and not more than two hundred dollars (\$200).
- b. Anyone found violating the requirements shall have their privilege revoked for a period of (1) one year.
- c. A violation may be subject to any applicable criminal charges, in addition to the ordinance violation.

Section 2: This ordinance shall be in full force and effect upon final passage and approval and shall expire On December 31, 2024.