

BILL NO. 2092

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 23, ARTICLE I OF THE CUBA CITY CODE BY ADDING SECTION 23-35, RELATING TO OPERATION AND USE OF MOTORIZED ALTERNATIVE VEHICLES UPON CITY ROADWAYS AND SIDEWALKS.**

**RECITALS:**

- A. The City is authorized to declare and determine appropriate requirements to protect the public with regard to the operation and use of certain motorized vehicles within the City not otherwise licensed and approved by the State of Missouri for operation upon State highways.
- B. The Board of Aldermen has determined that public safety in the City will be improved by regulating the use and operation of motorized scooters, skateboards, play vehicles, golf carts, wheelchairs and other motorized transportation devices upon City streets, alleys, sidewalks and roadways and, therefore, desires to establish such regulations.

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

**Section 1:** There is added to Chapter 23, Article I, of the Cuba City Code the following as Section 23-35:

**Sec. 23-35. Regulation of certain motorized transportation devices.**

**(1) Purpose and Intent.** It is the purpose and intent of this section to provide for the regulation of motorized scooters, skateboards, play vehicles, golf carts, wheelchairs and other motorized transportation devices upon City streets, alleys, sidewalks and roadways that are not otherwise licensed and approved by the State of Missouri for operation upon State highways in order to protect the safety of all those who enter upon and use such right-of-ways.

**(2) Definitions.** In this section, unless the context otherwise requires:

- a. "Motorized alternative vehicle" is defined as (i) any vehicle propelled by a motor (gas or electric) and, if driven by a piston engine, having an engine with a cylinder capacity of less than fifty cubic centimeters, (ii) which produces less than three gross brake horsepower (iii) is capable of propelling the vehicle at a maximum speed of not more than thirty (30) miles per hour on level ground, (iv) which is not otherwise defined and regulated in the Cuba City Code as a "motor vehicle" and (v) which is not otherwise licensed by the State of Missouri for operation upon State highways.
- b. "Physically disabled" means any person who, because of physical disability, (a) cannot walk without sufficient risk of falling; (b) cannot walk 200 feet without stopping to rest; (c) cannot walk without the aid of another person, walker, cane, crutches, braces, prosthetic devices, and/or wheelchair; (d) is restricted by respiratory disease to an extent that the person's forced (respiratory) expiratory volume for one second when measured by Spirometry is less than one liter; (e) has an arterial oxygen tension of less than 60 mm/hg; (f) uses portable oxygen; (g) has a cardiac condition to the extent that the person's functional limitations are verified by their personal physician as requiring assistance for transportation purposes; (h) has lost an arm or a leg and does not have or cannot use an artificial limb; (i) has a disability that would be aggravated by walking 200 feet or more under normal environmental conditions as verified by their personal physician.
- c. "Roadway" means any public street, alley, highway or roadway in the City designated for use by motor vehicles licensed by the State for use upon State roadways.

- d. "Sidewalk" means any sidewalk, walkway or path in the City designated for pedestrian use and not for use by motor vehicles licensed by the State for use upon State roadways.
- e. "Utility Vehicle" means any motorized vehicle manufactured and used exclusively for off highway use which is sixty-three inches or less in width, with an un-laden dry weight of 1,850 lbs or less traveling on four or six wheels.
- f. "Recreational off-highway vehicles" means any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than eighty inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred pounds or less, traveling on four or more nonhighway tires and which may have access to ATV trails

**(3) Operations.**

- a. No recreational off-highway vehicle, motorized alternative vehicle or 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.
- b. No recreational off-highway vehicle, motorized alternative vehicle or utility vehicle may be operated without a permit issued by the City of Cuba Missouri. Applicants for such permit must apply at City Hall. No application shall be approved without (1) proof of a Missouri driver's license or, (2) first filing proof of disability by a licensed physician; and (3) filing proof of liability insurance, (4) proof of installation of a revolving Amber light attached to vehicle and reflective triangle displayed on the rear of the vehicle. Permit shall be at a cost of \$15.00, one permit per vehicle annually.
- c. A recreational off-highway vehicle, motorized alternative vehicle or utility vehicle with a permit and driven by a licensed driver may operated on any street or highway within the city limits of the City of Cuba, but may not be operated on the interstate.
- d. Motorized alternative vehicles, recreational off-highway vehicles, and utility vehicles operated upon City roadways by physically disabled persons shall be operated on the shoulder of the right-of-way or, in the absence of an improved shoulder, on the right-hand-most portion of the right-of-way, and in the same direction as traffic on the right-of-way lane or side then being traveled upon.
- e. Motorized alternative vehicles recreational off-highway vehicles, and utility vehicles operated upon City roadways by physically disabled persons shall be operated on secondary roads and allowed to cross only at the following designated areas Hwy 19 and Hwy 66, W. Washington and Smith St.; E. Washington St and Lawrence St.; and Fleenor and Rutz Subdivision Rd.
- f. Every physically disabled person operating a recreational off-highway vehicle, motorized alternative vehicle, or utility vehicle shall have all of the rights and duties applicable to pedestrians that are contained in the City Code, except those provisions which by their nature have no application.
- g. Every non-physically disabled person operating a recreational off-highway vehicle, motorized alternative vehicle or utility vehicle upon City roadways shall adhere to all rules of the road applicable to motorized vehicles forth in the City Code and State law, except those provisions which by their nature have no application.
- h. No recreational off-highway vehicle, motorized alternative vehicle or utility vehicle shall:
  - i. be operated in a negligent manner (defined as operation in such a manner as to endanger any person or property, or to obstruct, hinder, or impede the lawful

course of travel of any other motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways, or parks);

- ii. be operated by a person under the influence of alcohol or any controlled substance not prescribed by a physician;
  - iii. be operated on any sidewalk, path or walkway designed for use by pedestrians or operators of non-motorized vehicles (e.g. bicycles) unless the operator is physically disabled;
  - iv. carry more passengers than the vehicle is specifically designed to carry;
  - v. be operated upon a right-of-way at any time from ½ before sunset to ½ hour before sunrise unless equipped with a lamp on the front which shall emit a white light visible from a distance of a least five hundred feet to the front together with either (A) a lamp emitting a solid red taillight visible from a distance of five hundred feet to the rear when directly in front of lawful low beams of head lamps on a motor vehicle or (B) a flashing light emitting diode taillight together with a red reflector visible a distance of six hundred feet to the rear when directly in front of lawful low beams of head lamps on a motor vehicle;
  - vi. be operated upon a City roadway at a speed of more than thirty (30) miles per hour and, in the case of physically disabled persons operating motorized alternative vehicles upon City sidewalks, at a speed of more than eight (8) miles per hour;
  - vii. be operated upon a City roadway unless the total height of the vehicle including its passenger(s) is at least thirty-six (36) inches above the ground; and
  - viii. be operated upon a City roadway unless equipped with a red or orange safety flag of at least forty (40) square inches that extends and is visible at least seventy-two (72) inches above the ground.
  - ix. Any individual operating a utility vehicle shall wear a properly fastened safety belt.
  - x. Any individual operating a utility vehicle shall be at least eighteen (18) years old.
  - xi. The utility vehicle shall be properly insured and such proof of insurance shall be kept with the vehicle at all times. Such insurance shall specifically list the utility vehicle as referenced by the serial number and year of model.
- i. Any motor vehicle not defined hereunder as a motorized alternative vehicle or utility vehicle may be operated upon City right-of-ways only if licensed and approved by the State of Missouri as a motor vehicle for operation upon State highways.

**(4) Violation.** Any person violating the provisions of this section shall be fined not more than \$500.00 or jailed for a term of not more than ninety (90) days, or both fined and jailed, and permit may be revoked.

**Section 2:** To the extent of the foregoing, Chapter 23 of the Cuba City Code is hereby amended and all prior ordinances to the contrary or otherwise inconsistent with the above are hereby repealed.

**Section 3:** This Ordinance shall be effective from and after the date of its passage and approval.

**READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF CUBA, MISSOURI, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

\_\_\_\_\_  
CODY LEATHERS, MAYOR

Attest:

\_\_\_\_\_  
LAINIE GARBO, CITY CLERK

(City Seal)

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
CODY LEATHERS, MAYOR

Attest:

\_\_\_\_\_  
LAINIE GARBO, CITY CLERK  
(City Seal)

Approved as to the form.  
WILLIAMS, ROBINSON, RIGLER & BUSCHJOST

By: \_\_\_\_\_  
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ATTORNEYS FOR THE CITY OF CUBA, MISSOURI

Alderman	Vote on First Reading On _____, 2023	Vote on Second Reading On _____, 2023
Kevin Copling		
Debbie Martin		
David Honea		
Warren Graddy		
Curtis Holt		
Jeff Bouse		