

BILL NO. 09-014

ORDINANCE NO. 1154

AN ORDINANCE OF THE CITY OF COTTLEVILLE, MISSOURI, AMENDING THE PROVISIONS OF CHAPTER 340 OF THE MUNICIPAL CODE OF THE CITY OF COTTLEVILLE, MISSOURI; ENACTING A NEW SECTION 340.105; AND PROVIDING REGULATIONS PERTAINING TO THE OPERATION AND USE OF GOLF CARTS UPON CITY STREETS AND SIDEWALKS

WHEREAS, 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; and

WHEREAS, the Board of Aldermen has determined that public safety in the City will be improved by regulating the use and operation of golf carts 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 COTTLEVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. That Chapter 340 of the Municipal Code of the City of Cottleville, Missouri, be and is hereby amended by adding a new section 340.105 thereto, which section shall read as follows:

SECTION 340.105: REGULATION OF GOLF CARTS ON CITY STREETS AND SIDEWALKS.

A. **Purpose and Intent.** It is the purpose and intent of this section to provide for the regulation golf carts 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.

B. **Definitions.** In this section, unless the context otherwise requires:

GOLF CART is defined as (i) any vehicle propelled by an electric or gas engine; (ii) which produces less than three gross brake horsepower; (iii) with no less than three (3) wheels in contact with the ground; (iv) that is not designed to be operated at a speed of more than twenty-five miles per hour (25 m.p.h.); (v) whose purpose can include, but is not limited to, the playing of golf; (vi) which is not otherwise defined and regulated in the Cottleville City Code as a "motor vehicle"; and (vii) which is not otherwise licensed by the State of Missouri for operation upon State highways.

GOLF CART LANE is defined as (1) except as otherwise provided by law, all streets upon which the maximum speed limit is twenty-five miles per hour or less, as designated by speed limit signs erected pursuant to duly passed and approved ordinances; or (2) all publicly owned facilities that provide for golf cart travel including, but not necessarily limited to, streets or sidewalks designated by signs or permanent markings which are shared with pedestrians, bicyclists and other motorists.

STREET is defined as any City street, alley or roadway in the City designated for use by motor vehicles licensed by the State for use upon State highways. It shall not be deemed or construed to include State or Federal highways.

SIDEWALK is defined as any sidewalk, walkway or path in the City designated for pedestrian or bicycle use and not for use by motor vehicles licensed by the State for use upon State highways.

C. Operations.

1. No golf cart 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.
2. No golf cart may be operated upon any street or sidewalk unless such street or sidewalk has been, by ordinance, designated as a golf cart lane and clearly marked as such. Except as otherwise provided in this Section, a golf cart may only be operated within the area of a golf cart lane designated for such use by signs or permanent markings.
3. No golf cart 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 by any person less than sixteen (16) years of age and in possession of a valid driver's license required pursuant to Chapter 302, RSMo.;

- iv. be operated upon a City Street at any time for ½ hour before sunset and ½ hour before sunrise unless equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front, and either (a) a lamp emitting a solid red taillight visible from a distance of five hundred (500) feet to the rear when directly in front of lawful low beams or 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 (600) feet to the rear and when directly in front of lawful low beams of head lamps on a motor vehicle;
- v. be operated 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;
- vi. carry more passengers than the golf cart is specifically designed to carry;
- vii. be operated upon a street or golf cart lane at a speed of more than twenty-five (25) miles per hour;
- viii. be operated upon a street or golf cart lane unless the total height of the vehicle including its passenger(s) is at least thirty-six (36) inches above the ground;
- ix. 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
- x. shall cross any State or Federal highway, but may cross a State highway that intersects a street if the posted speed limit on the State highway does not exceed twenty-five (25) miles per hour at that intersection.

- 4. Nothing herein shall be deemed or construed as authorizing the use or operation of a golf cart upon any State or Federal highway unless State or Federal law otherwise authorizes such operation.

SECTION 2. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of

Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 3. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

SECTION 4. Savings: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

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Read the first (1st) time this 25 day of Feb, 2010.

Don Yecker
Mayor

Attest: Amy C. Spence
City Clerk

Read the second (2nd) time and passed this 11 day of March, 2010.

Don Yecker
Mayor

Attest: Amy C. Spence
City Clerk

Approved this 11 day of March, 2010.

Don Yecker
Mayor

Attest: Amy C. Spence
City Clerk