

BILL NO. 21-017
(as amended)

ORDINANCE NO. 4867

FIRST READING 06.15.2021

SECOND READING 07.06.2021

AN ORDINANCE OF THE CITY OF HANNIBAL REVISING CHAPTER 17, ARTICLE VII OF THE REVISED ORDINANCES OF THE CITY OF HANNIBAL, BY ADDING CERTAIN SECTIONS PERTAINING TO OPERATION OF UTILITY TERRAIN VEHICLES (UTV's)

WHEREAS, the City Council has determined that there is a demand by the public to allow certain Utility Terrain Vehicles (UTV's) also known as Recreational Off-Highway Vehicles to operate within the confines of the city limits of the City of Hannibal, and

WHEREAS, upon review of the matter, the council has determined that such use does not pose an undue danger to the public or burden upon the City, provided that certain safety protocols and restrictions are met.

NOW THEREFORE, BE IT ORDAINED THE CITY COUNCIL OF THE CITY OF HANNIBAL MAKES THE FOLLOWING AMENDMENTS TO CHAPTER 17, ARTICLE VII OF THE ORDINANCES OF THE CITY OF HANNIBAL:

SECTION ONE: Chapter 17, ARTICLE IV, DIVISION 1, Section 17-130 of the ordinances of the City of Hannibal is hereby revoked and replaced with the following new section 17-130:

Sec. 17-130. - State vehicle license plates required, exceptions.

1. No person shall operate or park any motor vehicle or trailer upon any street or highway of this city unless such motor vehicle or trailer has properly displayed a valid license plate or temporary permit issued to the lawful owner of the vehicle by the department of revenue of the state.

2. The following exceptions to this requirement shall be allowed:

a. Any person who is a nonresident of the state may operate or park any motor vehicle or trailer upon any street or highway of this city, provided the motor vehicle or trailer has been duly registered for the current year in the state, county or other place of which the owner is a resident, and provided that at all times such motor vehicle or trailer is being operated or parked upon the streets and highways of this city the valid license plate or temporary permit is properly displayed on such vehicle or trailer.

b. Motorized Bicycles as otherwise described and regulated in this code.

c. UTV's as otherwise described and regulated in this code.

(Code 1988, § 17-116; Ord. No. 4097, § 1, 7-6-1999)

SECTION TWO: CHAPTER 17, ARTICLE VII. - BICYCLES, MOTORIZED BICYCLES, ETC, is hereby renamed: CHAPTER 17, ARTICLE VII. - BICYCLES, MOTORIZED BICYCLES, UTV's AND OTHER WHEELED CONVEYANCES.

SECTION THREE: CHAPTER 17, ARTICLE VII. Section 17-419 is hereby revoked and replaced with the following section 17-419:

Sec. 17-419. - Definitions.

As used in chapter 17, article VII:

- (1) The word "bicycle" shall mean every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, or two parallel wheels and one or two forward or rear wheels, all of which are more than 14 inches in diameter, except scooters and similar devices;
- (2) The term "motorized bicycle" shall mean any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than 50 cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.
- (3) The acronym UTV shall mean a Utility Terrain Vehicle, which shall refer to a Motorized Vehicle with four wheels, at least two side by side seats, a steering wheel for direction control, and having at least 8 inches of clearance above ground level. Cars, Trucks, SUV's and Vans shall not be considered to be UTV's as described in these ordinances.

(Ord. No. 4583, § 1, 11-1-2011)

SECTION FOUR: CHAPTER 17, ARTICLE VII. - BICYCLES, MOTORIZED BICYCLES, UTV's AND OTHER WHEELED CONVEYANCES., is hereby amended to include the following ordinances:

17-434. Vehicle safety and equipment standards.

In order to obtain a permit and be operated within the confines of the city limits, a UTV must meet the following equipment and safety standards:

(1) The vehicle must be equipped with four wheels with rubber tires. Tires shall be of a size appropriate for the UTV with no mismatched tires per the design of the vehicle. There shall be no cuts to the tire, localized worn spots that expose the ply, or visible tread wear indicators.

(2) Operational horn. The UTV shall be equipped with a fully operational horn.

(3) Brakes. All UTV's must be equipped with a front and rear braking system capable of being manipulated by the driver from driver's normal position of operation and capable of causing a UTV with a passenger and/or cargo to come to a complete stop in a linear path of motion when each wheel of the UTV is in contact with the ground on dry, level, clean pavement. The braking system controlling the wheels shall be hydraulic or mechanical disc or drum brakes, which are unaffected by rain or wet conditions.

(4) Headlights. Two headlights capable of projecting a beam of white light for a distance at a minimum of three hundred (300) feet which shall be clearly visible during darkness and must be illuminated at all times the UTV is in operation.

(5) Mirrors. A rearview mirror and two side view mirrors affixed to the UTV to reflect to the UTV driver a view of the street for a distance of at least two hundred (200) feet from the rear of the UTV.

(6) Brake Light. Two red brake lights affixed to the rear of the UTV which must be visible for a distance of at least two hundred (200) feet from the rear of the UTV.

(7) Running Light. A red light affixed to the rear of the UTV which must be visible for a distance of at least two hundred (200) feet from the rear of the UTV and must be illuminated at all times during darkness.

(8) Turn Signals. Turn signals must be affixed to the front and rear of the vehicle. The rear Turn signals must be hard wired into the taillights.

(9). Roll Over safety. The UTV must be equipped with a roll over safety device, which may include a roll cage or "top bar" Such equipment must be of sufficient strength to support the weight of the entire vehicle and passengers if a rollover accident occurs.

(10) Seat belts. The UTV must be equipped with seatbelts, 3 point minimum for all passengers, including the driver.

(11) Muffler. The UTV must be equipped with an operational muffler, which muffler must muffle the noise of the UTV exhaust to a level equivalent with licensed motor vehicles.

(12). Warning triangle and flag. The UTV must be equipped with a warning triangle affixed to the rear of the vehicle and an orange flag which must project at least 2 feet above the top of the vehicle.

Sec. 17-435 - Permit Required.

Any UTV which will be operated inside the City Limits must obtain a permit on an annual basis.

(a) The fee for a UTV permit shall be \$15.00 per year.

(b) The UTV will be issued a permit number. This number must be displayed on the front and back of the UTV in the area normally used for a vehicle license plate, or such other area as will make the number clearly visible, using a license plate holder or other similar display area.

(c) Permits shall not be transferrable. In the event that a vehicle is sold the new owner must apply for a new permit, and must have an initial inspection conducted prior to issuance of the permit, regardless of whether an initial inspection was previously conducted for a prior owner.

Sec.17-436. Operator Requirements.

Every operator of a UTV shall meet and maintain the following requirements:

1. Possess a valid State of Missouri driver's license or a valid driver license from their home state. Those with out-of-state driver licenses must not have a currently cancelled, revoked or suspended State of Missouri driver's license.

2. Be a minimum of eighteen (18) years old.

3. Shall not have had more than three (3) moving violations in the last three (3) years and no more than two (2) moving violations in the last year.

(4) Shall not have been convicted of careless or reckless driving or any violation of alcohol related offenses within the past three years.

Sec. 17-437 - Insurance required.

No permit shall be issued or renewed without proof of general liability insurance in the minimum amount of no less than five hundred thousand dollars \$500,000.00, or proof of full coverage insurance on the vehicle.

Sec. 17-438 - UTV inspections.

1. All UTVs must pass an inspection of condition and compliance with safety and equipment standards under this chapter before a UTV permit is issued or renewed. In the event that ownership of a vehicle is transferred, a new inspection must be conducted prior to the issuance of the permit.
2. Inspections must be conducted by a professional mechanic located within the confines of the City of Hannibal. In order to qualify to inspect UTV's mechanics must:
 - (a) hold a current City of Hannibal Business license allowing them to operate as a mechanic.
 - (b) Hold a Missouri Safety Inspection Certificate
 - (c) Hold a City of Hannibal UTV Safety Inspection Certificate. The cost of such Certificate shall be \$15.00.
 - (d) Utilize the form promulgated by the City of Hannibal to certify that a UTV has passed inspection.
 - (e) Inspectors shall not charge more than \$50.00 to perform a safety inspection.
 - (f) If an inspector falsely certifies a vehicle complies either without checking the vehicle, or by passing a vehicle that does not meet the requirements, their Hannibal Inspection Certificate may be immediately revoked by the City Manager or designee.
 - (g) If the police find a UTV in operation exhibiting any safety concerns, the UTV may be immediately ordered out of service until necessary repairs are made or the safety concerns are resolved. Qualifying safety concerns may include but are not limited to failure to abide by applicable ordinances, laws or rules, flat tires, inoperable head lights or taillights, or other mechanical or operational issues making the vehicle presently unsafe to operate.

Sec. 17-439 - Vehicle operation. Every UTV shall be operated in compliance with all applicable federal, state and local laws, and in a manner so as to assure the safety of persons and property.

UTV's may not be operated on the following highways. Highway 72, Highway 36, Highway 61, Highway 79, Route MM and Route W. UTV's may cross such highways only at designated intersections which are controlled by traffic signals.

Sec. 17-440 - Revocation or suspension. In addition to all other penalties, any violation of the terms of this Article shall be grounds for revocation, suspension, or non-renewal of the permit provided for in this Article.

Sec. 17-441 – Off road operation prohibited. No provision of this Division of the Hannibal code shall be construed to allow or permit UTV's to be operated off the road on private property without the permission of the owner. Operation of UTV's off the road in any City Park is specifically prohibited. Operation of UTV's inside Sodalis Park is specifically prohibited at any location other than the parking lot at the trail head.

SECTION FIVE: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION SIX: All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION SEVEN: That this Ordinance shall not be in full force and effect until completion of all forms necessary to place it into effect shall have been promulgated and approved but such time shall be no more than 60 after its passage and approval.

Adopted this 6th day of July, 2021

Approved this 6th day of July, 2021


James R. Hark, Mayor

ATTEST:


Angelica N. Zerbonia, MRCC, CMO - City Clerk

CITY OF HANNIBAL UTV INSPECTION FORM

I certify that I have inspected a UTV owned by _____.

I conducted my inspection on _____, and found as follows:

The UTV is equipped with (*inspector must initial each section*):

_____ Four wheels with rubber tires which are size appropriate for the UTV with no mismatched tires per the design of the vehicle. There are no cuts to the tire, localized worn spots that expose the ply, or visible tread wear indicators.

_____ A fully operational horn.

_____ Front and rear braking system capable of being manipulated by the driver from driver's normal position of operation and capable of causing a UTV with a passenger and/or cargo to come to a complete stop in a linear path of motion when each wheel of the UTV is in contact with the ground on dry, level, clean pavement. The braking system controlling the wheels is hydraulic or mechanical disc or drum brakes.

_____ Two headlights capable of projecting a beam of white light for a distance at a minimum of three hundred (300) feet.

_____ Mirrors. A rearview mirror and two side view mirrors affixed to the UTV to reflect to the UTV driver a view of the street for a distance of at least two hundred (200) feet.

_____ Two red brake lights affixed to the rear of the UTV which are visible for a distance of at least two hundred (200) feet from the rear of the UTV.

_____ A red light affixed to the rear of the UTV which is visible for a distance of at least two hundred (200) feet from the rear of the UTV.

_____ Turn signals affixed to the front and rear of the vehicle and hard wired into the tail lights.

_____ A roll over safety device, which may include a roll cage or "top bar" which is of sufficient strength to support the weight of the entire vehicle and passengers if a rollover accident occurs.

_____ Seatbelts, 3 point minimum for all passengers, including the driver.

_____ An operational muffler, which muffler must muffle the noise of the UTV exhaust to a level equivalent with licensed motor vehicles.

_____ A warning triangle affixed to the rear of the vehicle and an orange flag which projects at least 2 feet above the top of the vehicle.

By my signature hereto I state and affirm that I personally conducted the above referenced safety inspection and that the vehicle in question complies with all of the above requirements. I understand that any false statements on this form may result in a penalty including suspension or revocation of my UTV inspection Certificate and an administrative penalty of up to \$500.00.

HANNIBAL ONE YEAR UTV INSPECTION CERTIFICATE

By my signature hereto, I hereby state and affirm and agree as follows:

1. I am a trained mechanic who either holds a business license in the City of Hannibal or works for a shop which holds a business license in the City of Hannibal.
2. That I am authorized by the State of Missouri to conduct vehicle safety inspections and hold an appropriate safety inspection certificate.
3. That I have reviewed the requirements of the City of Hannibal as set out in their UTV safety inspection form and state that I agree I am qualified to certify to all matters required.
4. That I will not give a safety inspection for a UTV which I have not personally inspection.
5. That I will not certify that a UTV has any required equipment unless it actually has such equipment.
6. That I agree that if it is later determined that any certification herein is untrue or if I violate any of the provisions of this application that I may suffer an administrative of penalty of suspension or revocation of my inspection certificate and/or an administrative penalty of up to \$500.00.

Certificate Holder:

Comes now Angel Zerbonia, City Clerk of the City of Hannibal, and issues this UTV Inspection Certificate to the above named applicant this _____ day of _____, 20_____. This Certificate shall expire one (1) year from said date.

ANGEL ZERBONIA, City Clerk