

ORDINANCE**AN ORDINANCE REGULATING USE OF UTILITY VEHICLES FOR OPERATORS AND FIXING PENALTY FOR UNLAWFUL USE OF SAME.****NOW BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF MILAN, MISSOURI, AS FOLLOWS:**

SECTION 1: No person shall operate a utility vehicle, as defined in Section 300.010 of this Title, upon the highways of this City or State, except as follows:

1. Utility vehicles owned and operated by a governmental entity for official use;
 2. Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting;
 3. Utility vehicles operated by handicapped persons for short distances occasionally only on the State's secondary roads when operated between the hours of sunrise and sunset;
 4. The City will issue special permits for a payment of fifteen dollars (\$15.00) for utility vehicles to be used on highways within the City limits by licensed drivers. This permit must be renewed annually.
 5. The City may by resolution or ordinance allow utility vehicle operation on streets or highways under the City's jurisdiction. Any person operating a utility vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial responsibility in accordance with Section 303.160, RSMo., or maintain any other insurance policy providing equivalent liability coverage for a utility vehicle.
- A. No person shall operate a utility vehicle within any stream or river in this City or State, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this City or State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
- B. A person operating a utility vehicle on a highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under Subsection 3 of this Section shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty-five (35) miles per hour.

No persons shall operate a utility vehicle:

1. In any careless way so as to endanger the person or property of another; or
 2. While under the influence of alcohol or any controlled substance.
- C. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this Subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one (1) person.
- D. A violation of this Section shall be an ordinance violation. (RSMo. §304.032, 2013)

SECTION 2: Penalties

- A. Any violation of this ordinance shall be a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifteen dollars (\$15.00) and not more than five hundred dollars (\$500.00), or by imprisonment in the County jail not to exceed ninety (90) days, or by both such fine and imprisonment in addition to the costs of prosecution.
- B. Mandatory suspension for certain UTV violations. The City shall suspend for six (6) months all permits issued by the City to any person for a *first offense conviction or adjudication of:*
- Abuse of another person's property
 - Operating an UTV under the influence
 - Operating an UTV to endanger
 - Reckless operation of an UTV
 - Failure or refusal to stop an UTV or attempting to elude an officer
 - A second offense shall result in a one-year suspension of their UTV driving privileges. Any further offenses shall result in a permanent disqualification of their UTV driving privileges.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval of the Mayor.

BILL NO. 2585

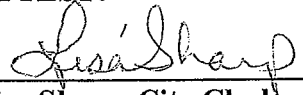
ORDINANCE NO. 2792

READ TWO TIMES AND PASSED THIS 5TH DAY OF APRIL, 2021.



Andy Herington, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:



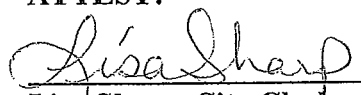
Lisa Sharp, City Clerk

APPROVED THIS 5TH DAY OF APRIL, 2021.



Andy Herington, Mayor

ATTEST:



Lisa Sharp, City Clerk