

Substitute Bill Number 1

Bill No. 13146

Ordinance No. 20-143

Sponsor: Michael Galba

AN ORDINANCE ENACTING A NEW ARTICLE TO CHAPTER 365 OF THE CODE OF ORDINANCES TO BE KNOWN AS ARTICLE V PERTAINING TO THE OPERATION OF GOLF CARTS ON PUBLIC STREETS.

WHEREAS, pursuant to Section 304.034.1 of the Revised Statutes of the State of Missouri ("RSMo."), "Notwithstanding any other law to the contrary, the governing body of any municipality may by resolution or ordinance allow persons to operate a golf cart or motorized wheelchairs upon any street or highway under the governing body's jurisdiction;" and

WHEREAS, the City Council of the City of Saint Charles, Missouri desires to authorize the operation of golf carts upon the public streets under the City's jurisdiction subject to the requirements of this code section; and

Now Therefore, Be it Ordained by the Council of the City of St. Charles, Missouri, as Follows:

SECTION 1. Chapter 365 of the Code of Ordinances is amended to enact a new Article to be known as Article V as follows:

Article V Golf Carts

Section 365.200 Definitions.

For the purposes of this Article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GOLF CART

A motor vehicle propelled by a gasoline engine or electric motor with no less than three (3) wheels in contact with the ground, designed and manufactured for operation on a golf course for sporting or recreational purposes, and that is not designed or manufactured to be capable of exceeding speeds of twenty (20) miles per hour. Low-speed vehicles as defined in code section 365.130, all-terrain vehicles as defined in code section 365.070, and off-road vehicles, as defined in Section 304.001, RSMo., are not a "golf cart" within the meaning of this definition and are not authorized for use pursuant to the Article. The operation of an all-terrain vehicle on a street or sidewalk is prohibited by code section 365.080.

Section 365.210 Operation of Golf Carts Permitted on City Streets.

Underlined text is inserted. Struck through text is deleted.

A. A golf cart may be operated upon the public streets and highways; provided, the golf cart meets the requirements of this Article. Every person operating a golf cart shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other motor vehicle except as to the special requirements in this Article.

B. The operator of a golf cart shall observe all State of Missouri and City traffic laws and rules of the road.

C. It shall be unlawful to operate a golf cart on a street or highway with a posted speed limit greater than thirty-five (35) miles per hour. This provision shall not be construed to prohibit a golf cart from crossing, at an intersection or permitted crossing point, a street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

D. It shall be unlawful to operate a golf cart:

1. while under the influence of alcohol or any controlled substance; or
2. in a negligent, careless, or imprudent manner so as to endanger any person or property of another.

E. It shall be unlawful to operate a golf cart on a sidewalk.

Section 365.220 Golf Cart Standards.

A. No person shall operate a golf cart unless the golf cart:

1. meets the definitional requirements stated in Section 365.200; and
2. is equipped with:
 - a. a functioning brake system;
 - b. headlights, tail lights, brake lights and mechanical turn signals, if operated after sunset and before sunrise;
 - c. at least one rear view mirror;
 - d. a serial number, manufacturer's code, or vehicle identification number;
 - e. a type 1 or type 2 seatbelt assembly conforming to 49 CFR 571.209 and Federal motor Vehicle Standard 209 for each designated seating position; and
 - f. a horn or other device capable of emitting an audible warning signal.

B. It shall be unlawful to operate a golf cart upon a public street or highway that is not in conformity with subsection A. The maximum penalty for a violation of code sections 365.220,A.2.c or 365.220.A.2.e shall be \$10.00.

Section 365.230 Golf Cart — Driver's License and Insurance Required.

- A. Every operator of a golf cart shall:
1. possess a valid driver's license issued by the State of Missouri, pursuant to Chapter 302, RSMo., or an equivalent out of state license; and
 2. maintain financial responsibility as required by Chapter 303, RSMo., or the equivalent out of state insurance or proof of financial responsibility.
- B. It shall be unlawful to operate a golf cart upon a public street while not in possession of a valid driver's license and proof of financial responsibility. The penalty for the first violation of either of these offenses shall be no less than \$50.00 and for each offense thereafter, the penalty for each offense shall be no less than ~~\$250.00~~. \$225.00, inclusive of court costs.

Section 365.240 Golf Cart Operating Requirements.

- A. It shall be unlawful to operate a golf cart:
1. on a public street with passengers in excess of the number of people the golf cart was designed to seat;
 2. with a person riding in the bag well of a golf cart unless such areas are properly equipped with a permanently mounted seat specifically designed for the carrying of passengers; or
 3. with a person hanging onto the vehicle and who is not seated.
- B. Any person operating a golf cart shall:
1. yield the right of way to any pedestrian or bicyclist; and
 2. give an audible signal before overtaking or passing a pedestrian or bicyclist; and
 3. move the golf cart to the far-right side of the street and yield to faster moving vehicles, pedestrians, and bicyclists.

SECTION 2. Savings Clause. 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 of this ordinance, unless expressly set forth in this ordinance.

SECTION 3. Severability. If any term, condition, clause, or provision of this ordinance shall, to any extent, be adjudged, held, or determined to be invalid or unenforceable, the remainder of this ordinance shall be valid in all other respects and continue to be effective and each and every remaining provision of this ordinance shall be valid and shall be enforceable to the fullest extent permitted by law, it being the intent of

the City Council that the ordinance would have enacted this ordinance without the invalid or unenforceable provision. 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 Council and shall thereafter be binding.

SECTION 4. Codification. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of St. Charles, Missouri, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5. Implementation Date. Section 1 of this ordinance shall take effect at 12:01 a.m., on January 1, 2021.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

October 20, 2020
Date Passed

Bridget Ohmes
Bridget Ohmes, Presiding Officer

10-21-2020
Date Approved by Mayor

Daniel J. Borgmeyer
Daniel J. Borgmeyer, Mayor

Approved as to Form:

Michael J. Valenti 10-13-2020
Michael J. Valenti, City Attorney Date

Attest:
[Signature]
City Clerk

