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BILL NO. 88-6

ORDINANCE NO. 88-129

AN ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES WITHIN THE CITY LIMITS OF THE CITY OF FOLEY, ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF AND MATTERS RELATING THERETO.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FOLEY, MISSOURI, AS FOLLOWS:

Section 1: Cities of the fourth class, Foley being such, have the power to regulate motor vehicles within the city limits under the provisions of Section 79.410, 79.450 RSMo.

Section 2: Definition

An all-terrain vehicle is any motorized vehicle manufactured and used exclusively for off-highway use that is 50 inches or less in width with an unladen dry weight of 600 pounds or less traveling on three (3), four (4) or more low pressured tires with a seat designed to be straddles by the operator and handlebars for steering control.

Section 3: No person shall operate an all-terrain vehicle on the streets of this city except as follows:

- a) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.
- b) All-terrain vehicles whose operators carry a special permit issued by the City.
- c) The City Clerk shall prepare an application form for the special permit and charge a fee of Fifteen (\$15.00) Dollars for each permit.

Section 4: No person shall operate an all-terrain vehicle witin any such stream or river in this City except that all-terrain vehicles may be operated within waterways that flow within the boundaries of land that an all-terrain vehicle owner/operator has permission to be upon.

Section 5: A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this ordinance shall have a valid operator's or chauffer's license but shall not be required to have passed an examination for the operation of a motorcyle and the vehicle shall be operated at speeds of less than 30 miles per hour (30 mph). When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The

bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be day-glow in color.

Section 6: No person shall operate an all-terrain vehicle:

- a) In any careless way so as to endanger the person or property of another;
- b) while under the influence of alcohol or any controlled substance;
- c) without a securely fastened safety helmet on the head of the individual who operates an all-terrain vehicle unless that individual is at least 18 years of age.

Section 7: No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

Section 8: Any person violating this ordinance may be fined in the amount not to exceed One Hundred (\$100.00) Dollars or to be confined in the Lincoln County Jail for a period not to exceed Ninety (90) days or both such fine and imprisonment.