

AN ORDINANCE AMENDING SECTION 300.010, DEFINITIONS,
AND SECTIONS 340.115 AND 340.120 OF CHAPTER 340,
MISCELLANEOUS DRIVING RULES, OF THE WARSON
WOODS MUNICIPAL CODE.

WHEREAS, Sections 340.115 and 340.120 of the City of Warson Woods' Municipal Code (the "Municipal Code") currently prohibit the use of its streets by drivers of Utility Vehicles and Recreational Off-Highway Vehicles; and

WHEREAS, Sections 304.032 and 304.033 of Chapter 304 of the Revised Statutes of Missouri (the "Traffic Regulation Statutes"), contain grants of authority to Missouri cities and counties to allow the use of Utility Vehicles and Recreational Off-Highway Vehicles on city or county streets provided the applicable political subdivision issues a special permit regulating such use; and

WHEREAS, the authority granted by the Traffic Regulation Statutes regarding special permits for these vehicles from the Missouri General Assembly was integrated into the Municipal Code Sections 340.115 and 340.120, but a complimentary permitting system to grant or deny a special permit in accordance with such requests was never created or adopted by the City; and

WHEREAS, the Board of Aldermen desires to amend Sections 340.115 and 340.120 of the Municipal Code to bring clarity to the City's traffic ordinances by repealing certain references in the City's traffic ordinances that recite the grants found in the Traffic Regulation Statutes regarding issuance of permits for use of certain vehicles on City streets; and

WHEREAS, the Board of Aldermen further desires to amend certain relevant definitions in Section 300.010 of the Municipal Code to bring those definitions into conformity with the definitions contained in the Model Traffic Ordinance (Section 300.010 RSMo);

WHEREAS, the Board of Aldermen finds these amendments to be in the best interest of the health, safety and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS, MISSOURI AS FOLLOWS:

SECTION 1. The Whereas clauses stated above shall be fully integrated into this Ordinance as if stated herein.

SECTION 2. The definition of "Recreational off-highway vehicle" in Section 300.010 is amended by repealing the phrase "sixty-four (64) inches or less in width" and replacing it with the phrase "more than fifty (50) inches but no more than sixty-seven (67) inches in width" to conform with the definition in the Model Traffic Ordinance (Section 300.010 RSMo).

SECTION 3. The definition of "Utility vehicle" in Section 300.010 is amended by repealing the phrase "sixty-three (63) inches or less in width, with an unladen dry weight of one thousand eight hundred fifty (1,850) pounds or less" and replacing it with the phrase "more than fifty (50) inches but no more than sixty-seven (67) inches in width, with an unladen dry weight of two thousand (2,000) pounds or less" to conform with the definition in the Model Traffic Ordinance (Section 300.010 RSMo).

SECTION 4. Section 340.115 entitled “Utility Vehicles, Operation on Highway and in Steams or Rivers Prohibited – Exceptions – Passengers Prohibited – Violations, Penalty” of Chapter 340 on Miscellaneous Driving Rules is hereby amended by repealing Subdivision 4 of Subsection A. All other Subsections of Section 340.115 which are not amended by this Ordinance shall remain in full force and effect.

SECTION 5. Section 340.120 entitled “Recreational Off-Highway Vehicles, Operation on Highways Prohibited, Exceptions – Operation Within Streams and Rivers Prohibited, Exceptions – License Required for Operation, Exception” of Chapter 340 on Miscellaneous Driving Rules is hereby amended by repealing Subdivisions 3 and 5 of Subsection A. The Codifier shall renumber to Subsection A to adjust for the removal of Subdivision 3, accordingly. The Codifier shall also change the reference to “Subdivision 4 of Subsection (A)” found in Subsection C to read “Subdivision 3 of Subsection (A)” to adjust for the renumbering of Subsection A. All other Subsections of Section 340.120 which are not amended by this Ordinance shall remain in full force and effect.

SECTION 6. This ordinance shall be in full force and effect on and after its passage and approval by the Board and the Mayor.

THIS BILL PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS, MISSOURI THIS 15th DAY OF AUGUST 2017.

Laurance M. Howe, Mayor

ATTEST:

Kathy Mahany, City Clerk

APPROVED AS TO FORM:

Paul V. Rost, City Attorney