

BILL NO. 362

ORDINANCE NO. 362

**AN ORDINANCE OF THE VILLIAGE OF UPLANDS PARK, MISSOURI, ENACTING A DEFINATION OF MOTORIZED PLAY VEHICLES AND REGULATING THEIR USE ON PUBLIC RIGHTS OF WAY AND VILLAGE PROPERTY.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE VILLAGE OF UPLANDS PARK, AS FOLLOWS:**

SECTION A. It is determined that it is in the best interest of the Village of Uplands Park, Missouri, that it defines motorized play vehicles and establishes regulations for their use on public rights of way and Village property.

WHEREAS the sale of motorized play vehicles, including, but not limited to miniature motorcycles, motorized scooters and go-carts, has increased dramatically in recent months; and

WHEREAS motorized play vehicles such as miniature motorcycles, also known as "pocket bikes," and go-carts are traditionally designed for use on closed courses and come in many styles and have a variety of load capacities, speed ratings and other operational characteristics; and

WHEREAS current state laws defining the various classifications of motor vehicles which may legally use public highways utilize many of these same operational characteristics so that different models of motorized play vehicles may fall into different classification; and

WHEREAS motorized play vehicles do not meet many of the prerequisite safety standards and other requirements established under state law for registration of motor vehicles used on public highways; and

WHEREAS the use of motorized play vehicles on Village property constitutes a safety hazard and nuisance; and

WHEREAS the proliferation of motorized play vehicles such as miniature motorcycles, motorized scooters, and go-carts has exposed apparent gaps in the statutes of the State of Missouri regarding types of vehicles which may legally use public roadways.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLIAGE OF UPLANDS PARK, MISSOURI, AS FOLLOWS:

SECTION No. 1 That Sections 300.010, 310.040, and 245.060 of the VILLIAGE OF UPLANDS PARK, MISSOURI be and the same are hereby amended to read as follows:

## SECTION 300.010: DEFINITIONS

*MOTORIZED PLAY VEHICLE*: Includes mini-motorcycles, pocket bikes, and any other vehicle that is capable of transporting a person or persons at a speed in excess of five (5) miles per hour; that is self propelled by a motor or engine and that is not otherwise defined by Missouri Statutes or the Village of Uplands Park Code as a motor vehicle, motorcycle, bicycle, or motorized bicycle.

*VEHICLE*: Any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, motorized scooters, *motorized play vehicles*, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons.

## SECTION 310.040: USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED

B. No person shall ride on or operate a motorized scooter or *motorized play vehicle* upon any street, highway, roadway or sidewalk within the Village, or within the boundaries of any Village park.

## SECTION 245.060: RESTRICTIONS ON USE OF PARKS

2. It shall be unlawful for any person to be upon bicycles, roller skates or skateboards, or riding in or by means of any coaster, toy, vehicle, motorized scooter, *motorized play vehicle*, or similar device while in or upon any portion of any park premises unless specifically designated therefore; provided however, this provision shall not apply to a show, exhibition, demonstration or other activity which is a part of a special event being sponsored on park premises, nor shall this provision apply to child carrying devices such as baby strollers, carriages or wagons, or to a disabled person.

### SECTION NO. 2. Savings.

Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the Village or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

### SECTION NO. 3. Severability.

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be



effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Trustees that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the Village and shall thereafter be binding.

SECTION B. This ordinance shall be in full force and effect from and after the date of its' passage and approval.

READ the first time the 12<sup>th</sup> day of SEPTEMBER, 2005

READ THE SECOND TIME AND PASSED by the Board of Trustees of the Village of Uplands Park, this 12<sup>th</sup> day of September 2005.

ATTEST:

  
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Village Clerk

Chairperson of the Board of Trustees

APPROVED BY THE CHAIRPERSON, this 12<sup>th</sup> day of September, 2005.

ATTEST: