

ROOM #1

HOURS
8:30 A.M. - 12:00 NOON
MONDAYS & THURSDAYS

PHONE #
1-573-883-7202 • 1-800-894-8125
Fax: 573-883-5312

GARRY L. NELSON
District #1 Commissioner



STE. GENEVIEVE COUNTY
55 S. Third Street
Ste. Genevieve, Missouri 63670
DAVE GEGG
Presiding Commissioner



RAY H. GETTINGER
District #2 Commissioner

STE. GENEVIEVE COUNTY ORDINANCE NO : 041411 - 2

Ste. Genevieve County Commission

**AN ORDINANCE TO ALLOW SPECIAL USE PERMITS
FOR USE OF COUNTY ROADS BY ALL TERRAIN VEHICLES (ATV)
AS AUTHORIZED BY SECTION 304.013 RSMO
AND AS ADOPTED
BY THE STE. GENEVIEVE COUNTY COMMISSION**

Whereas, the State of Missouri has determined that County Commissions have the authority to issue special use permits for the operation of all terrain vehicles on county roads; and

Whereas, the County Commission can set the conditions under which such special permits may be issued upon application to the County Commission; and

Whereas, the County Commission desires to issue permits for Ste. Genevieve County residents; and

Whereas, the County Commission can establish fees for issuance of such special use permits; and

Whereas, the County Commission desires to provide for implementation of such special use permits, conditions for application, and for fees to be charged; and

Whereas, the public has inquired of the County Commission concerning the process in Ste. Genevieve County so that the public may take advantage of the special permit process; and

Whereas, Section 304.013 RSMo provides the authority for the County Commission to act; and

Whereas, the County Commission has determined that it is in the public interest to permit special uses to be granted under certain conditions;

NOW, THEREFORE, BE IT ORDAINED by the Ste. Genevieve County Commission:

That the County Commission acting under authority of Section 304.013 RSMo does adopt and order implementation of this Ordinance; and

That this Ordinance does ordain, adopt, and implement the following:

Section 1. a. This Ordinance provides for the exclusive methods to obtain special use permits to operate all terrain vehicles (hereafter ATVs) on the roads of Ste. Genevieve County from the Ste. Genevieve County Commission.

Section 2. a. An application form shall be obtained from the Ste. Genevieve County Clerk and completed before any application for a special use permit shall be issued.

b. The application shall be completed in all aspects and filed with the Ste. Genevieve County Clerk.

c. The application shall be accompanied by the proper fee for each person who seeks to operate under the special use permit.

d. All applicable documentation required for consideration in granting the special use permit shall be provided as attachments to the application.

Section 3. a. A person operating an all-terrain vehicle on a county road, pursuant to the permit as set forth in this Ordinance, covered in this section, shall have a valid operator's or chauffeur's license, and the vehicle shall be operated in daylight hours and at speeds of thirty miles per hour or less. When operated on a county road, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven 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 square inches and shall be day-glow in color.

b. No persons shall operate an all-terrain vehicle on a county road

i. unless he or she has a permit as set forth in this Ordinance,

ii. In any careless way so as to endanger the person or property of another;

iii. While under the influence of alcohol or any controlled substance as defined in Section 577.010 RSMo;

iv. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age; or

v. Without maintaining a valid driver's license and liability insurance and proof of personal property tax paid on the registered vehicle or provide waiver of such during the period of the permit.

c. No operator of an all-terrain vehicle with a permit, as set forth in this Ordinance, shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is designed to carry more than one person.

d. A violation of this Ordinance shall be a class C misdemeanor. In addition to other legal remedies, the county prosecuting attorney or an attorney retained

by the County Commission, may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

Section 4. Each applicant must:

- a. be at least eighteen (18) years of age; and
- b. possess a valid driver's license; and
- c. must show proof of personal property tax paid on the registered vehicle or provide waiver for such; and
- d. produce proof of liability insurance; and
- e. comply with the conditions required elsewhere in this ordinance; and
- f. comply with all provisions of state law as specified in Section 304.013 RSMo as enacted or as amended from time to time.

Section 4. a. The application shall include the name of the person who request the special use permit, and the identifiable information for the ATV to be used by the applicant, . A copy of the liability insurance for the ATV identified in the application, a certificate of the personal insurance of each applicant showing sufficient liability and property and casualty insurance for each applicant/ATV, a copy of each participant's drivers' license showing that the person is legally entitled to operate a motor vehicle on the public roads of Missouri, including Ste. Genevieve County road(s).

- b. Each application shall be accompanied with the appropriate documents identified in sub-paragraph "a" of this section and in Section 3 of this Ordinance.
- c. Each application shall be accompanied by an executed and sworn "Waiver of Liability" executed by each applicant made to the benefit of Ste. Genevieve County releasing Ste. Genevieve County and all of its officials, employees, and agents from any liability arising out of the event for which the special use permit is issued. The County shall adopt a Waiver of Liability" form that is to be used.
- d. Each application shall be accompanied by the appropriate application fee.

Section 5. Upon approval of the application, the County Clerk shall issue a numbered permit for each ATV that is identified in the application and has complied with all of the application requirements and paid the appropriate fee. The permit is issued for a period of two (2) years for each ATV operator.

Section 6 Each ATV shall have its respective permit attached to the ATV.

Section 7. To register an ATV for a special use permit the owner of the ATV shall pay a non-refundable application fee of \$ 30.00, which fee(s) shall accompany the application. Failure to pay the fee(s) shall result in the application for the special use permit not being processed.

Section 8. Each section of this ordinance is severable if a court of competent jurisdiction determines that such section is unenforceable. The remaining sections shall remain in force and effect.

That this Ordinance is adopted on this 14th day of April, 2011, by action of the Ste. Genevieve County Commission, to become effective as of the 14th day of April, 2011.

Adopted by record vote as follows:

Dave Segg
Presiding Commissioner

X AYE _____ NAY

Garry Nelson
Associate Commissioner

X AYE _____ NAY

Roy Settinje
Associate Commissioner

X AYE _____ NAY

ATTEST:

Kay A. Basler
County Clerk