

# NEVADA POLICE DEPARTMENT

120 SOUTH ASH ▪ NEVADA, MISSOURI 64772 ▪ P 417-448-5100 ▪ F 417-381-1923

---

Date: November 29, 2018

To: Chief Casey Crain

From: Officer Brittany Dawn

Subject: Staff Study

RE: Golf Carts and Low Speed Vehicles

---

## PURPOSE:

The purpose of this staff study is to evaluate a public request for passage of a city ordinance allowing golf carts and other low speed vehicles to be operated on the city streets with the city limits of Nevada.

## METHOD:

- Identify potential hazards
- Interview nearby business owners, property owners and general public
- Review ordinances from other municipalities

## PERSONS INTERVIEWED:

- Bo Bishop, Resident at 102 Country Club Drive
- Carol Branham, Director at Nevada Housing Authority
- Pete Schmidt, Resident at 1103 N. Washington
- Toby Thorp, Teacher at Nevada R5 School District
- David Johnson, Police Chief at Rich Hill Police Department
- Rusty Rives, Police Chief at Lamar Police Department

- Lieutenant Steve Bastow, Nevada Police Department
- Sergeant Rick Debruin, Nevada Police Department

### SUMMARY:

The request for this review has come from Bo Bishop, resident at 102 Country Club Drive. Mr. Bishop has requested the City of Nevada to consider allowing golf carts and other low speed vehicles that have satisfied the necessary safety requirements to be considered as a legal form of transportation on the city streets within the city limits of Nevada.

I spoke with Bo Bishop, who stated that he was in favor of having an ordinance put in place as long as required safety and traffic regulations are adhered to and uniformly enforced. Bo believes that the current rules regarding the use of electric scooters and lawn mowers, which fall into the category of low speed vehicles, are ambiguous and has led to the confusion of what types of vehicles are allowed on city streets.

Bo said that he has traveled to places near and abroad that allow the use of these types of vehicles and believed that a specific ordinance that allows golf carts and other low speed vehicles would allow the City of Nevada to keep pace with other small communities. Bo stated there would be an ecological benefit of allowing the use of these vehicles.

Bo stated that the pros of an ordinance would be clear and enforceable laws, a progressive, conscious, and attractive community with an energy conservation approach, and a potential revenue source for the City of Nevada. Bo believes that the cons to an ordinance would be ordinance abuse and theft potential. Bo stated that some considerations would be safety requirements and adherence to traffic laws such as stop signs and DUI.

I spoke to Carol Branham, Director at Nevada Housing Authority. Carol said that she would be against any ordinance to allow golf carts on city streets. Carol stated that safety of citizens of Nevada is a major concern. Carol stated that safety with use on streets such as Ash pose a major risk to public safety. Carol also stated that there would be a significant burden on the Nevada Police Department in regards to enforcement. Carol believes that officers would spend a significant amount of time dealing with violations that would take away from other law enforcement duties that ensure the safety of the citizens of Nevada.

I spoke to Pete Schmidt, resident at 1103 N. Washington. Pete stated that she believed the safety risks for citizens and law enforcement outweigh any benefits to the City of Nevada. Pete stated that she feels due to the amount of traffic on some city streets that use of these modes of transportation would significantly hinder traffic which increases the potential for motor vehicle accidents. Pete was not in support of any ordinance to

allow golf carts and other low speed vehicles to be operated on the city streets of Nevada.

I spoke to Toby Thorp, teacher at Nevada R5 School District. Toby is also a former law enforcement officer from the State of Colorado. Toby said that there are pros and cons in having an ordinance that allowed these types of vehicles on the streets. Toby stated that he has been to communities that allow these vehicles on city streets, and believes the pros and cons should be carefully considered.

Toby stated that he feels with this alternative method of transportation becoming more common that there is a significant risk increase of theft. Toby suggested speaking to law enforcement agencies of cities that allow these vehicles and inquire about the challenges they face. Toby also expressed concern about use of these vehicles in school zones. Toby stated that he felt these types of vehicles should be prohibited during times that school zones are enforced.

I spoke to David Johnson, Police Chief for the City of Rich Hill. Chief Johnson said the City of Rich Hill allows golf carts and low speed vehicles to be operated on their city streets. Chief Johnson said that their police department has not encountered any problems with the use of these types of vehicles.

Chief Johnson said that these types of vehicles have to be registered with the City of Rich Hill. Chief Johnson said that residents must show proof that they are current on city taxes before being able to register these vehicles. Chief Johnson said that the operators are required to be in possession of registration documentation when operating the vehicles. Chief Johnson also stated that operators are also required to display an orange flag at least 6 feet above the ground while operating the vehicle.

Contact was made with Rusty Rives, Police Chief for the City of Lamar. The City of Lamar also has a similar ordinance to allow the use of these types of vehicles on their city streets. Chief Rives said that their city issues annual permits for residents to operate these vehicles on their city streets. Their also ordinance requires the vehicles to be equipped with specific safety equipment. Chief Rives said they have not encountered any problems with the use or enforcement associated with these vehicle types.

I spoke with Lieutenant Steve Bastow of the Nevada Police Department. Lt. Bastow expressed concern that allowing vehicles such as golf carts and other low speed vehicles on city streets would pose an increased risk to the safety of the public. Lt. Bastow believes that the number of DWI related accidents would increase. Lt. Bastow also stated that with the increased popularity of the use of these vehicles, he is concerned that even if the city required registration of these vehicles, they are easily modified to increase speed and off road capabilities. He stated that if the city did enact an ordinance to govern the use of such vehicles that there would be a period of negative interactions with citizens using these vehicles until citizens became familiar with the ordinance.

I spoke with Sergeant Rick DeBruin of the Nevada Police Department. Sgt. DeBruin stated that he believed having an ordinance that allowed golf carts and other low speed vehicles would have a negative impact on the safety of the citizens of Nevada. Sgt. DeBruin felt that there would be issues with these types of vehicles being used on state roadways such as Austin Blvd and Ash Street. Sgt. DeBruin believes there is a possibility that if the ordinance prohibited use of these vehicles on these major roadways that drivers would likely violate the ordinance.

I also reviewed similar city ordinances from other cities in Missouri including Carthage, Carl Junction, Parkville, Odessa & Greenwood. These communities also allow the use of golf carts or other low speed vehicles on city streets. These cities also have specific requirements on the regulation and use of such vehicles. The vehicles are required to be registered through the cities and must meet specific safety equipment requirements.

Research also shows that the top speed for a base model on a golf cart is 15-20 miles per hour. It is a concern that these models are easily modified for capabilities other than street use. There are other models already modified that are available for purchase as well. These vehicles also could pose a traffic hazard to areas during heavily trafficked periods.

#### COST:

The potential costs to the City of Nevada may be related with the process to have a registration sticker and/or permit designed or purchased. There could also be hidden costs associated with the time spent by city personnel for licensing and enforcement of these vehicles.

#### RECOMMENDATIONS:

If the City of Nevada were to consider an ordinance the safety of the citizens should be carefully weighed with the benefits to the city. Golf Carts and other low speed vehicles should be prohibited from being used on routes like Ash Street, Austin Blvd, Osage Blvd, and Centennial Blvd, which are also classified as state or federal highways.

Drivers of these vehicles shall be subject to traffic laws already in place for motorized vehicles such as stop signs, turn signals, etc. Drivers must possess a valid driver's license and proof of insurance.

Should an ordinance be instituted the vehicles should be registered through the city, and access to city records for the registration should be readily available to law enforcement for use of enforcement of city ordinance. The City of Nevada should develop a city sticker to be uniformly applied to the vehicles in a specific location. The City of Nevada should also consider prohibiting vehicles that are explicitly designed for off road use and set specific guidelines that clearly define prohibited vehicles.

Safety equipment such as headlamps, tail lights, turn signals, mirrors, a horn and an orange triangle or flag affixed on the rear of the vehicle should be considered as mandated requirements.

NAME	SIGNATURE	DATE	YES	NO
Lieutenant Steve Bastow	<i>Lt. Steve Bastow</i>	11/29/18		
Captain Jimmie Dye	<i>Capt. Jim Dye</i>	11-29-18		
Chief Casey Crain	<i>Casey Crain</i>	11-29-18		
Return To:				

# NEVADA POLICE DEPARTMENT

## MEMORANDUM

To: Mark Mitchell, City Manager

From: Chief Casey Crain

Date: August 17, 2022

Subject: Utility Vehicles

In response to recent inquiries from community members and local business owners, police staff has conducted some preliminary research regarding the adoption of an ordinance to allow the use of utility vehicles on city streets.

Currently the City of Nevada does not have an ordinance that specifically addresses utility vehicles. The most closely related city ordinance addresses the use of all terrain vehicles on city streets and reads as follows:

*Sec. 19-199. All-terrain vehicles prohibited on paved streets and sidewalks.*

*In order to promoted the compatible, normal and safe movement of traffic and pedestrians on the streets and sidewalks of the city, the utilization of all terrain vehicles, including, but not limited to, three-wheelers and four-wheelers on paved streets and sidewalks with the city is hereby prohibited.*

The Revised Statutes of Missouri (RSMo) 304.032 addresses the use of utility vehicles on roadways and read as follows:

*304.032. Utility vehicles, operation on highway and in streams or rivers prohibited — exceptions — passengers prohibited — violations, penalty. — 1. No person shall operate a utility vehicle, as defined in section 301.010, upon the highways of this state, except as follows:*

- (1) Utility vehicles owned and operated by a governmental entity for official use;*
- (2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting;*

*(3) Utility vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;*

*(4) Governing bodies of cities may issue special permits for utility vehicles to be used on highways within the city limits by licensed drivers. Fees of fifteen dollars may be collected and retained by cities for such permits;*

*(5) Governing bodies of counties may issue special permits for utility vehicles to be used on county roads within the county by licensed drivers. Fees of fifteen dollars may be collected and retained by the counties for such permits;*

*(6) Municipalities may by resolution or ordinance allow utility vehicle operation on streets or highways under the governing body's jurisdiction. Any person operating a utility vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial responsibility in accordance with section 303.160 or maintain any other insurance policy providing equivalent liability coverage for a utility vehicle.*

*2. No person shall operate a utility vehicle within any stream or river in this state, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.*

*3. A person operating a utility vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than forty-five miles per hour.*

*4. No persons shall operate a utility vehicle:*

*(1) In any careless way so as to endanger the person or property of another; or*

*(2) While under the influence of alcohol or any controlled substance.*

*5. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one person.*

*6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney 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.*

State statute specifically authorizes municipalities to adopt ordinances to allow the operation of utility vehicles on streets or highways under the governing body's jurisdiction.

These types of vehicles are routinely used by other first responding agencies in and around the city including the Nevada Fire Department, Vernon County Ambulance District, Vernon County Sheriff's Office, Vernon County Rural Fire Departments and some of our local towing companies. State statute already authorizes this use of utility vehicles for official use by governmental entities.

Staff indicated that several organizations and businesses in the community already have utility vehicles that are used on and around their properties which often requires them to travel across and along city streets to access various locations on their properties for business use or property maintenance purposes.

Staff has spoken with other individuals and organizations in the community who expressed support for an ordinance to be adopted to allow utility vehicles on city streets so long as they were inspected and regulated. Some members of our city staff have also expressed support for such an ordinance. Higher than average fuel prices in 2022 are likely a factor for some in favor of such an ordinance.

Staff spoke with Corey Garwood, who operates Garwood Wrecker and conducts business inside the City of Nevada said he would support an ordinance allowing utility vehicles. He also indicated at times they have to use them during the performance of their duties when a disabled vehicle may be in a position they are not able to use a truck.

Staff spoke with Mark Burger, recently retired Director of Security for Cottey College, who said the college has several utility vehicles they use on and around the property. He said an ordinance would legitimize them being able to use the vehicles on the city streets as they travel around various areas of the campus.

Staff spoke with Trey Todd of Trey's Garage and Kyle Schulze of Sales by Schulze, two local businesses that provide sales and service for utility vehicles, and they expressed their support for the authorization of utility vehicles on city streets.

Staff found that several cities in our region have adopted similar ordinances allowing the use of utility vehicles on city streets including Fort Scott KS, Lamar, Butler, Appleton City, Clinton, Bolivar, Monett & Pleasant Hill.

Staff spoke with law enforcement officials from Lamar and Fort Scott KS regarding any issues with their utility vehicles ordinances. Representatives from the Lamar Police Department and Fort Scott Police Department reported very few issues and that overall their utility vehicle ordinances have been well received.

Staff noted that their research did not include supporting information regarding all-terrain vehicles, which are currently prohibited by city ordinance 19-199. Staff found that the other cities that have changed their ordinances to allow registered utility vehicles on city streets continue to prohibit all-terrain vehicles on city streets.

The potential costs to the City of Nevada would be related to the development of the permitting process including registration forms, stickers and other materials. There could also be hidden costs associated with the time spent by city personnel for licensing and enforcement of these vehicles. Some of these costs could be offset by the permitting fee authorized by state statute.

If the City of Nevada were to consider an ordinance the safety of the citizens should be carefully weighed with the benefits to the city. Consideration should be given as to whether utility vehicles should be prohibited from being used on state or federal highways which would include Ash Street, Austin Blvd, Osage Blvd, and Centennial Blvd.

Drivers of these vehicles should be subject to traffic laws already in place for motorized vehicles such as stop signs, turn signals, etc. Drivers should be required to possess a valid driver's license and proof of insurance.

Should an ordinance be instituted the vehicles should be registered through the city, and access to city records for the registration should be readily available to law enforcement for use of enforcement of city ordinance. The City of Nevada should develop a city sticker to be uniformly applied to the vehicles in a specific location. The City of Nevada should also set specific guidelines that clearly define prohibited vehicles.

Standard safety equipment such as headlamps, tail lights, turn signals, mirrors, seat belts, horn, muffler, etc. should be considered as mandated requirements.



Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_

Applicant Driver License: \_\_\_\_\_ Driver License State: \_\_\_\_\_

Make/Model	Serial Number	Decal #	Charge
		(recorded by City Staff)	\$50.00

**Instructions:**

1. Complete this application and submit with proof of liability insurance.
2. Make check payable to the City of Fort Scott.
3. Mail to: \_\_\_\_\_ or \_\_\_\_\_ in person, bring to:
 

City of Fort Scott	City of Fort Scott
P.O. Box 151	123 S. Main Street
Fort Scott, Kansas 66701	Fort Scott, Kansas 66701

For additional information, contact the City Clerk at 620-223-0550.

**All City of Fort Scott U.T.V. Permits expire December 31st.**

I received and read the City of Fort Scott Utility Vehicle Ordinance # \_\_\_\_\_. I understand that if I wish to operate this vehicle on City streets that I am required to renew this permit annually, which requires proof of insurance. By signing this application, I agree to maintain adequate insurance in accordance with the U.T.V. Ordinance.

Signature: \_\_\_\_\_

**CITY USE ONLY**

Proof of Insurance   
 \$50 Registration Fee

Prior to accepting the application and/or issuing the decal, insure that all of the above forms are present and signed.