

## ORDINANCE 2019-03

**An Ordinance of the City of Geary, Oklahoma, regulating the usage of All-Terrain Vehicles, Mini-Trucks, Trail Bikes, Go-Karts, Power Lawn Mowers and Utility Vehicles on the streets and highways the limits of the City of Geary; providing for severability and repeal of conflicting laws; and declaring an emergency.**

### **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GEARY, OKLAHOMA;**

**SECTION 1.** New provisions of the ordinances of the City of Geary, Oklahoma, to be codified in Part 15, Chapter 12 of the Code of Ordinances, are hereby enacted.

**SECTION 2.** Sections 15-1201 through 15-15-1203 are added to the Code of Ordinances of the City of Geary, Oklahoma, and shall read as follows:

#### **REGULATIONS AND USAGE OF ALL-TERRAIN VEHICLES**

Section 15-1201. **DEFINITIONS.** Unless otherwise specified, the following terms shall have the meanings indicated, regardless of where said terms are found within these Ordinances:

1

**All-Terrain Vehicle (ATV).** A vehicle powered by an internal combustion engine manufactured and used exclusively for off-highway use traveling on four or more low pressure tires, having a seat designed to be straddled by the operator and handlebars.

1.

**Electrical Vehicle.** Any four-wheeled electrical-powered vehicle, equipped with a roll cage or crush-proof body design, with an attainable speed of greater than twenty (20) miles per hour but not greater than thirty-five (35) miles per hour.

2.

**Golf Cart.** Any four-wheeled internal combustible or electrical vehicle that is powered by an electrical motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour designed primarily for the operation on a recreational golf course.

3.

**Mini-Truck.** A foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of 1,000 cubic centimeters or less, which is 67 inches or less in width, with an unladen dry weight of 3,400

pounds or less, traveling on four or more tires, having a top speed of approximately 55 miles per hour, equipped with a bed or compartment for hauling, having an enclosed passenger cab.

4. Utility-Terrain Vehicle (UTV). A vehicle powered by an internal combustion engine, manufactured and intended to be used exclusively for off-highway use, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels; also, commonly known as "side by side four-wheelers".

5. Restricted Vehicle. For the purposes of this and the following section, the term "restricted vehicle" shall include every defined or referenced in these definitions.

#### Section 15-1202. SPECIAL PROVISIONS AND RESTRICTIONS; EXCEPTIONS.

1. Notwithstanding any definition set forth by any state or federal law, motor-driven cycles known and commonly referred to as "minibikes", "trailbikes", "All-Terrain Vehicles" (ATVs), or other similar trade names shall not be permitted to be operated on the streets or highways of the City of Geary except as provided herein.
2. Restricted Vehicles and other motor-driven or operated vehicles (such as go-carts or power lawn mowers) which are manufactured principally for use off the streets and highways shall not be driven or operated on the streets of highways within the City of Geary except as provided herein. This shall not prohibit occasional movement of go-karts, power lawn mowers and other similar vehicles on streets, where such movement is necessary to relocate the vehicle for it intended use or for maintenance or storage.
3. Restricted Vehicles, go-karts, minibikes and trail bikes may be used by participants in parades sponsored or authorized by the school, municipality, or recognized community organizations (within the guidelines and restrictions established for said parade by the sponsoring entity.)
4. Nothing in this section shall be interpreted as prohibiting farm vehicles from using streets or highways.

5.

Restricted Vehicles are prohibited from operating on federal and state highways and municipal streets except as follows:

1. Restricted Vehicles may be operated only by a person who possesses a valid driver's license.
- b. Restricted Vehicles that are not equipped with both headlights and taillights may be operated only during daylight hours. Daylight hours are determined to be ½ hour after sunrise and ½ hour before sunset as listed by the National Oceanic and Atmospheric Administration.
- c. It shall be unlawful for the operator of a Restricted Vehicle to carry a passenger unless the Restricted Vehicle is specifically designed by the manufacturer to carry passengers in addition to the operator. It shall be unlawful for the operator to carry passengers in excess of the number of passengers the Restricted Vehicle is designed to carry or can safely carry.
- d. Restricted Vehicles may operate on federal or state highway only as necessary in making a perpendicular (90°) crossing of a federal or state highway located within the limits of the City of Geary.
- e. Every person operating a Restricted Vehicle upon a municipal street shall be granted all of the rights and shall be subject to all of the duties provided by Oklahoma law as it pertains to drivers of vehicles and rules of the road, and by the Ordinances of the City of Geary, except as to special regulations in this section and except as to those provisions of laws and ordinances which by their nature have no application.
- f. Golf carts and UTVs shall be equipped with a lap safety belt for each occupant.
- g. Passengers under the age of six (6) years old may not ride upon any Restricted Vehicle unless the operator is the child's parent or is twenty-one (21) years of age or older.
- h. No Restricted Vehicle shall operate on a street with a posted speed limit greater than 35 MPH. No Restricted Vehicle shall be driven at a greater speed than 25 MPH.
- i. Restricted Vehicles which are owned or operated by the City of Geary may be operated anywhere within the limits of the City of Geary while performing town functions.
- j.

No Restricted Vehicle shall be operated within the limits of the City of Geary unless:

- a. The Restricted Vehicle is registered with the City Clerk.
- ii. A Registration Permit is displayed on or carried within the Restricted Vehicle.
- iii. The Restricted Vehicle is covered by liability insurance issued through an authorized provider of automobile liability insurance; and
- iv. A safety flag (such as a bicycle flag) or a slow-moving vehicle emblem is affixed and visible from behind the vehicle.

**Section 15-1203. RESPONSIBILITY FOR VIOLATIONS OF MINOR.**

Where a person under eighteen (18) years of age (a "minor") is the operator of a Restricted Vehicle in violation of any provision of state or federal law or of the Ordinance of the City of Geary, the minor's parent, legal guardian, or the person having actual (whether temporary or ongoing) responsibility or control for the minor, and the owner of the Restricted Vehicle being operated by the minor, shall be punishable under these provisions as if he or she was the operator of the Registered Vehicle at the time of the violation. Liability hereunder shall be joint and several and may be imposed at the discretion of the Chief of Police.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase or portion of the ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holder shall not affect the validity of the remaining portions of the ordinance.

**Section 4. Conflicting Provisions Repealed.** Should any provision of this Code of Ordinances present an unreconcilable conflict with the present provision, the provisions contained herein shall govern in the specific situation and the conflicting provision is hereby specifically repealed.

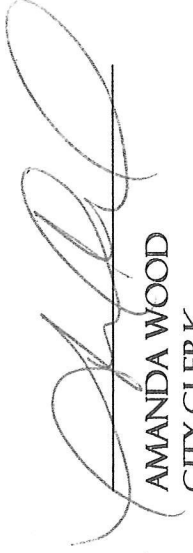
**Section 5. Emergency.** The City Council of the City of Geary hereby finds and declares that an emergency exists for the preservation of the public peace, health, safety and welfare of the residents of the City of Geary, Oklahoma, so that this Ordinance shall take effect as soon as possible, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect immediately upon its passage, and publication as required by law.

PASSED AND APPROVED, with the emergency clause separately considered and voted on, this 12<sup>th</sup> day of Sept, 2019.



BOBBY ALLEN  
MAYOR OF THE CITY OF GEARY

ATTEST:



AMANDA WOOD  
CITY CLERK

The City of Geary has approved an ordinance which permits the operation of certain Restricted Vehicles on City Streets. State law prohibits the operation of these vehicles on state highways (except to cross at a 90° angle.)

Permits will be available at the City Clerk's Office beginning the week of \_\_\_\_\_.

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**Summary of Restricted Vehicle Ordinances  
(full copy available at City Clerk's Office.)**

- Restricted Vehicles addressed by the new ordinance are: All-Terrain Vehicles (ATVs), Electric Vehicles, Golf Carts, Mini Trucks and Utility Terrain-Vehicles (UTVs).
- Restricted Vehicles may be operated on City Streets (but not state highways within the City of Geary) where the posted speed limit is **35 MPH** or less. The speed of the restricted Vehicle may not exceed **25 MPH**.

- The following are some, but not all, of the rules that must be observed when operating a Restricted Vehicle in Geary City Limits:
    - May be operated only by a person who possesses a valid driver's license.
    - May be operated only during daylight hours, unless equipped with both taillights and headlights.
    - May not carry a passenger unless the vehicle is specifically designed by the manufacturer on to carry passengers; then may carry no more than the number of passengers specified by the manufacturer;
    - All passengers in Gold Carts and UTV's must wear seat belts;
    - Must observe state and municipal laws regarding operation of motor vehicles;
    - No one under the age of 6 may ride on or in a Restricted Vehicle unless it is operated by the child's parent or the operator is at least 21 years old;
    - Must be registered and the Registration Permit displayed on or carried in the Restricted Vehicle;
    - Registration Permits are \$10.00 (fee is waived for those with a handicapped parking permit) and the penalty for the failure to register is \$100.00
    - Must be covered by liability insurance issued through an authorized provider of the automobile liability insurance;
    - Must display a safety flag or slow-moving vehicle emblem, visible from behind the vehicle;
    - Anyone younger than 18 years old who is on an ATV or other Restricted Vehicle shall wear a crash helmet as required by state and/or federal law;
  
- Parent and Owner Liability for the Actions of Minors Operating a Restricted Vehicle. If a person under the age of 18(a "minor") operates a Restricted Vehicle in violation of any law or ordinance, the minor's parents, guardian or the person having responsibility for the minor, and the owner of the Restricted Vehicle, will be responsible for any violation of the law committed by the minor.
  
- Motor-driven cycles such as "mini-bikes" and "trail bikes" are not permitted to be operated on the streets or highways of the City of Geary (except in parades under certain circumstances).

