



CITY OF CHESTERFIELD
Public Health & Safety Committee Meeting
October 17, 2022
5:30 PM
Conference Room 101

I. Call to Order

II. Roll Call

III. Approval of Minutes

August 22, 2022

IV. Golf Carts

The Committee will continue discussion regarding Use of Golf Cart type vehicles on City Streets

V. Traffic Control for Road Construction and Tree Removal

The committee will discuss the need/options for traffic control during road construction, ETC.

VI. Repeal of Policy Statement

Chief Johnson will submit a recommendation for the deletion of Public Health & Safety Policy Statement Number 7, Toll Roads-Street Corner Solicitations

VII. Special Circumstances Court

City Prosecuting Attorney Tim Engelmeyer will provide additional information /status update of creating a Special Circumstances Court for the City of Chesterfield.

VIII. Other

IX. Next Meeting

IX. Adjourn

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE PH&S COMMITTEE MEETING SHOULD CONTACT CITY CLERK VICKIE MCGOWND AT (636) 537-6716, AT LEAST TWO (2) BUSINESS DAYS PRIOR TO THE MEETING.

MINUTES
PUBLIC HEALTH & SAFETY COMMITTEE MEETING

August 22, 2022



I. Call to Order

The meeting was called to order at 5:30 PM by Chairperson Councilmember Aaron Wahl.

II. Roll Call

Councilmember Aaron Wahl, Ward II, Chairperson, Councilmember Mary Monachella, Ward I, Councilmember Dan Hurt, Ward III, Councilmember Merrell Hansen, Ward IV, Councilmember Gary Budoor, Ward IV, and Mayor Bob Nation. Also, in attendance were City of Chesterfield Prosecuting Attorney Tim Engelmeyer, Attorney Ben Kloos, Chief Ray Johnson, and Captain Dan Dunn, and Captain Mark Bruegenhemke. Also, in attendance were twelve citizens of Chesterfield

III. Approval of Minutes

Councilmember Hansen motioned and Councilmember Monachella seconded to approve the minutes of the June 6, 2022 minutes. The motion to approve the minutes carried 4-0.

IV. Code Enforcement

Councilmember Budoor noted that there have been complaints about a property next to Wildhorse Elementary School that has tall grass and weeds. Although the owners of the property have been notified, the grass and weeds continue to be non-compliant with grass being as high as 19 inches. Chief Johnson reported that when not cut, the Code Enforcement inspectors have arranged for the property to be cut by a vendor of the City. City Attorney Graville noted that City staff is now meeting weekly on code violations. Chronic offenders are being identified.

Chief Johnson described the process for handling code violations from the initial report to the legal actions the City may take. When the City starts cutting tall grass on properties, the charges are billed to the property owner and if not paid, a lien is placed upon the property. Since grass is a seasonal issue, the Code Enforcement staff will be reviewing previous offenders at the beginning of next season to handle the grass cutting in a prompt manner.

V. Staffing Request – Additional Police Officer

Chief Johnson informed the Committee members that the department has an opportunity to place an officer in an assignment with the St. Louis County Fusion Center as a Strategic Intelligence Analyst. The cost for this officer will be entirely funded (salary and full benefits) by the East West Gateway Council Homeland Security grant. Chief Johnson noted that the placement of a current officer into this fully funded position would

leave Department one officer short in regular manpower and asked for approval to add one officer to the current staffing, at no cost to the City.

Councilmember Hurt motioned and Councilmember Monachella seconded to approve this request. The motion carried 4-0.

This issue will now move on to the Finance & Administration Committee for further review with a recommendation from the Public Health & Safety Committee, if approved, on to City Council for a final decision/approval.

VI. Deer Control Program

The current City of Chesterfield Deer Control Program was reviewed. Discussion followed regarding the possibility of decreasing the deer population by other means such as anti-fertility darts. It was noted that Town & Country has tried this type of option with very little success. Chief Johnson informed Committee members that the City staff continue to work diligently to encourage subdivision trustees to allow hunting on common ground areas and also the City has opened several City parks to bow hunting by qualified City employees. The Missouri Department of Conservation has continued to support bow hunting as the safest way to cull the herds of deer in suburban areas. After continued discussion, the Committee agreed to continue the bow hunting program as is.

VII. Golf Carts & ATV's on City Roadways

City Attorney Chris Graville addressed the Committee regarding the use of ATV's, UTV's, LSV's, and Golf Carts on City streets. At the current time, only licensed motorized vehicles are allowed on City streets. City Attorney Graville reported that City staff has been meeting regarding this issue with considerations for safety being expressed. In the discussions, alternate licensing has been discussed with requirements for compliance and safety checks done by the police department. It was noted that the requirements would most likely consider LSV's (low speed vehicles) as other types would not meet the speed and safety requirements. At this time there are no State Statutes for licensing requirements.

Discussion continued regarding the safety of passengers, particularly young children riding in these vehicles.

Citizens present at the meeting noted that when they purchased their homes in Fienup Farms, they were expressly told by realtors that this type of vehicle would be allowed on the paved streets but not on the trails throughout the development. This group of citizens noted that they had canvassed subdivision residents and found that the majority of residents were in favor of the use of these vehicles. Councilmember Hurt stated that requests for a change for the particular subdivision must come from the Trustees.

City Attorney Graville will prepare additional information, including how other municipalities regulate these vehicles, for discussion at the next Public Health & Safety Committee meeting.

VII. Special Circumstances Court

Chesterfield Prosecuting Attorney presented an outline for the possibility of developing a Special Circumstances Court to handle mental health and homelessness issues that continue to be present during municipal dockets. He noted that the St. Louis County Mental Health Court is no longer operational which places many offenders into situations with no appropriate social service referrals which would help stop recidivism. Attorney Ben Kloos, who currently runs a “veterans court” described a plan for a municipal treatment court where a judge would be able to refer an offender for treatment. Mr. Kloos noted the veterans court has an 85% success rate.

Prosecuting Attorney Engelmeyer noted that Chesterfield could be the groundbreaker court for other municipalities who may want to participate in this program. Mr. Kloos will develop a cost estimate to begin the program. Councilmember Hurt suggested that Prosecuting Engelmeyer and Mr. Kloos put together a budget request to begin the process 2023. The Committee supported the suggested program and Mayor Nation suggested that City Administrator Geisel also get involved.

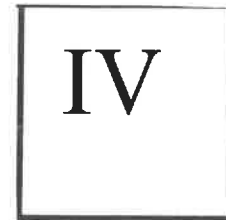
This issue will be placed on the agenda for the next Public Health & Safety committee meeting.

- IX. Councilmember Hurt expressed concern for the safety of City Hall front desk personnel and suggested that possibly a solid barrier could be installed for additional protection. This item will be placed on the next Public Health & Safety Committee meeting agenda.

Having no other items to discuss, the meeting adjourned at 7:35 PM.

Ray Johnson

From: DAWN STROUP KIRBY <dawnstroup@sbcglobal.net>
Sent: Tuesday, August 23, 2022 2:37 PM
To: Aaron Wahl; Ray Johnson; Gary Budoor
Cc: RICHARD HOGAN; Neil Shapiro
Subject: Fw: CC H&S Meeting Will Schmitt FB Post



Good afternoon Council members and Chief Johnson

Thank you for allowing our community to address the Public Health-Safety committee.

I would like to request clarification on the outcome of the meeting. I believe nothing has changed and the ordinances still prohibit golf carts on Chesterfield streets. I believe the city attorney outlined may facts and possible steps toward legal use in the future.

Some of residents who attended the meeting now believe the golf carts can be modified to state legal standards. See Facebook comments below.

Please clarify if they have interpreted the discussion accurately. Given the tension in our community I do not want misinformation to create additional stress.

Thank you,
Dawn Kirby

Sent from AT&T Yahoo Mail on Android

----- Forwarded Message -----

From: "RICHARD HOGAN" <rhogan7777@aol.com>
To: "Dawn Kirby" <dawnstroup@sbcglobal.net>
Sent: Tue, Aug 23, 2022 at 2:16 PM
Subject: CC H&S Meeting Will Schmitt FB Post



Will Schmitt

2h · 🌐

...

GOLF CART UPDATE: We've had a lot of misinformation perpetuated about this. Here are the facts.

Yesterday we had a meeting with city Council in which the prosecuting attorney spelled out that golf carts are currently indeed legal in Chesterfield city streets as long as the following LSV requirements are met:

- street mph is less than 35
- golf cart can not exceed 25 mph
- headlights and brake lights are required
- turn signals
- seat belts
- licensed drivers only
- other traffic rules must also be adhered to

At the meeting yesterday we had some residents in attendance. And out of the seven attendees from our subdivision, 5 voted in favor, 2 voted against. The 2 against later clarified that they are ok if the carts are safe and kids don't drive them. While the group of residents in attendance were working together on this issue, the discrepancy of the vote was unfortunate. We do appreciate these 2 people for further clarifying they are ok with "safe" golf carts.

@Neal and @Dawn it would be great to have Robin send a retraction email and clarify that golf carts meeting the Missouri LSV ordinance are indeed legal

👍👍 4

5 comments

👍 Like 💬 Comment



Write a comment...



Brendan Block shared a link.

12h · 🌐

...

Big win tonight for golf cart owners at City Hall... The job isn't done yet, but the City Attorney gave a presentation citing a state statute that allows Low-Speed Vehicles to be operated on city streets and roads of 35 mph or less. The state statute is 304.029. Here is a website that gives you tips on how to convert your golf cart into a perfectly legal LSV. And the good news is you can do it all for about \$200 and be street legal :)

Ray Johnson

From: RICHARD HOGAN <rhogan7777@aol.com>
Sent: Tuesday, August 23, 2022 5:05 PM
To: Ray Johnson; Chris Graville
Cc: Aaron Wahl; Gary Budoor; nshapiro@rawlings.com; Dawn Kirby
Subject: Re: CC H&S Meeting Brandan Block FB Post

Chief Johnson, Chris Graville,

I copied the below post from Brendan Block off of our community Facebook page. Is Mr Block correct in his assessment that "as long as people make the necessary modifications to their carts they are by default street legal. So no action from the city council is needed since they cannot override a state law". "However they could decide to make more stringent requirements for LSV's". If this is true what is the process for confirmation that LSV's meet the 304.029 statute . Does the city ordinance 30.080 no longer apply?

Please clarify,
Thank you in advance for your response.
Richard Hogan



Richard Hogan

Will Schmitt. Thanks for your shout out, however I would like to clarify some of your comments.....I attended the meeting and was one of the two persons that Will referred to above. In my opinion there was no vote conducted at the meeting and from my perspective no decision was made by the City Attorney or the committee. When the subject of golf carts came up the committee chair asked to have only a couple of people speak from each group and asked for those that were here to speak on behalf of the golf cart group to raise there hand and then asked to have those who were not in favor raise their hand. I then raised my hand and immediately stated that I had information to share for and against golf carts. I later stated that I am in favor of golf carts on our city streets as long as they are safe and legal. That has been my consistent position from the beginning.

Like Reply 27m



Brendan Block

Richard Hogan luckily Jeff City Legislators passed the LSV statute in 2004 so as long as people make the necessary modifications to their carts they are by default street legal. So no action from city council is needed since they can't override a state law. However they could decide to make more stringent requirements for LSVs in chesterfield.

Like Reply 21m Edited

On Aug 23, 2022, at 3:27 PM, Ray Johnson <RJohnson@chesterfield.mo.us> wrote:

Ms. Kirby.....to clarify, the Public Health and Safety Committee took no action on the issue of legalizing use of golf carts on City streets at last night's meeting (Monday Aug. 22, 2022). Instead, following a lengthy discussion on the subject, the committee directed Chesterfield City Attorney Graville to gather more information relative to other municipalities which have legalized such use, and delayed any immediate decision on the subject, referring it instead to the next PH&S committee

meeting for further discussion. As of this time, a date has not been officially set for the next PH&S Committee meeting.

From: DAWN STROUP KIRBY <dawnstroup@sbcglobal.net>

Sent: Tuesday, August 23, 2022 2:37 PM

To: Aaron Wahl <AWahl@chesterfield.mo.us>; Ray Johnson <RJohnson@chesterfield.mo.us>; Gary Budoor <GBudoor@chesterfield.mo.us>

Cc: RICHARD HOGAN <rhogan7777@aol.com>; Neil Shapiro <nshapiro@rawlings.com>

Subject: Fw: CC H&S Meeting Will Schmitt FB Post

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Sent from AT&T Yahoo Mail on Android

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To: "Dawn Kirby" <dawnstroup@sbcglobal.net>

Cc:

Sent: Tue, Aug 23, 2022 at 2:16 PM

Subject: CC H&S Meeting Will Schmitt FB Post
<image002.png>

Ray Johnson

From: Brendan Block <brendantblock@gmail.com>
Sent: Wednesday, August 24, 2022 11:47 AM
To: Ray Johnson; Aaron Wahl; Dan Hurt; Merrell Hansen; Mary Monachella
Subject: Correction of Statement on Fienup Farm Indentures

Dear board members,

I wanted to correct a statement I made at the meeting regarding the Fienup Farms indentures. Golf carts are **not** mentioned in the indentures and **not** prohibited in the 56-page document. So we did come into it with clean hands. Golf carts have been operating in our subdivision since I moved here in September 2019. In May, June, and July of this year, police were called on golf carts because trustees and our property management was told that golf carts were illegal in Chesterfield, which of course is debatable considering there is no ordinance expressly prohibiting them.

Just wanted to make that correction that I misspoke and golf carts are **not** prohibited in our indentures. We appreciate your time, patience, and consideration on this issue.

Sincerely,

Brendan Block

Member of Chesterfield Board of Adjustment

Member of the Parks and Rec. Committee

Date: 09-17-2022

From: Richard Hogan.
16982 Barn Owl Lane,
Chesterfield, Missouri 63005

To: Chesterfield City Public Health and Safety Committee

Subject: Golf Cart/LSV Operation on Chesterfield City Streets

Thank you in advance for the opportunity to provide information to the City of Chesterfield Public Health and Safety Committee. I appreciate your service and consideration of this matter.

I apologize for the length of this document, but it contains valuable research and knowledge on this topic and should help facilitate informed discussions.

I. General Information

As I understand the situation there has been a request for the city to consider LSV's to be allowed to operate in the City of Chesterfield.

This request is likely to have a tremendous impact on our community and I am sure that the city will do their due diligence in consideration of this matter.

Personally, I am not opposed to the operation of LSVs on city streets if they are legal and safe. It is not uncommon to see Golf carts and LSV's being operated on the Fienup Farms Subdivision streets and lake walking trail. It seems like it is becoming more common. There is a considerable amount of misinformation regarding the legality of the operation of these vehicles in our subdivision. This has created a division between some residents that own and operate these vehicles and those that want to support the city laws and ordinances and the subdivision rules and regulations. My suspicions are that other subdivisions will face similar circumstances if the use of LSV's become more popular prior to when the final decision is made by the city. Therefore it is in our city's best interest for our community leaders to be transparent about the current legality of the operation of LSV's so that everyone understands what the laws are and how they will be enforced.

II. Regarding Legality of Golf carts and LSVs

Based on information that was discussed during our recent PH&S Committee meeting and subsequent discussions, there is some confusion on the legality of the use of LSV's on city streets based on interpretations of the State of Missouri Statute 304.029, 49CFR 571.500 and the City of Chesterfield Ordinance 380.080 and 380.070 . The city ordinances 380.080 and 380.070 seem to have set more stringent requirements for motorized vehicles that are operated, driven or parked on our city streets as allowed per section 8 of 304.029.

As I understand it, the city is evaluating these laws and reaching out to other municipalities to investigate how they have handled similar situations to determine if and how the city will authorize these vehicles in the future.

Please clarify if ordinance 380.080 and 380.070 qualify as setting a more stringent requirement for motorized vehicles which would then mean that LSV's are not authorized to operate on city streets.

Some people refer to golf carts and LSVs as the same classification of vehicle because of their similarity in appearance and historically how they have been used. This is not the case. Golf carts are designed for golfing activities and for the ease of individuals to enter and exit the golf cart. Many have a single bench seat with two seating positions. They do not meet the safety requirement as defined in 304.029, and 49CFR 571.500 and operate at a lower speed. Unless a golf cart is modified to meet the same requirements as an LSV per State Statute 304.209 and 49CFR 571.550 and the City of Chesterfield authorizes the use of LSVs it is assumed that golf carts would not be legal to operate on our city streets. Therefore for the purpose of this discussion, it will be confined to the legality and safety issues with LSVs. Although, some of the studies or information below often refers to golf carts without making a distinction between the two. Therefore, in some cases it is not known if the data is specifically referencing a golf cart or an LSV. However, as will be shown later in these studies, structurally there is not much difference between golf carts and LSV's so they are likely to perform similarly in crashworthiness during a crash with a larger heavier automobile. In such circumstances the golf cart will always lose. Also, they undoubtedly show that proper seat restraints save lives and injuries, especially to children.

While the city is working through the issues to determine if and how they may authorize the use of LSVs, I respectfully request that the city clarify their current position as to the legality of the use of LSVs on Chesterfield city streets and subdivision common grounds. Also please clarify how the police and city prosecutor will enforce this position and communicate your position to all subdivision HOA's and the community at large.

On behalf of myself and many others in our subdivision we would like the city to know we will support whatever decision they make regarding the legality of the current and future operation of LSV's on our city streets.

III. Safety Concerns

I have great safety concerns based on the growing number of children across the country that are being injured as a result of LSV operation and accidents. This position is shared by many pediatric doctors, hospitals and communities. In our community there have been numerous observations of un-restrained small children being transported in LSV's on the lap of the driver or riding next to the driver and riding in back seats and/or rear facing seats. Similar observations and concerns about child safety were shared by committee members during a recent meeting of the Chesterfield Public Health and Safety Committee. These types of actions put children at high risk and create an increased liability to drivers of automobiles which may become involved in an accident with LSVs. I understand that parents are responsible for the safety of their own children and would not intentionally put their children at risk. It is also understandable that they may resent the fact that others are speaking out about this situation.

As mentioned above, these activities put the community at risk and the following studies have shown that improper restraints and LSV construction combined with the operation of different types of vehicles on the same streets are a major reason for injuries to LSV passengers-particularly children.

I am hopeful that after becoming familiar with the facts about injuries and the inherent risk of operating LSV's in communities with mixed vehicle types, the PH&S committee and owner operators of LSV's will become advocates for stricter laws to protect the children of this municipality.

The streets in the Fienup Farm Subdivision are mostly two-way streets that measure approx. 24 ft wide. Parking is allowed on both sides of most streets. When you take into consideration the parking positions and width of automobiles, motorized vehicles and LSVs at times must use the middle of the street or zig zag to navigate through the community. This can present an extra measure of safety concerns especially when encountering larger, heavier service or delivery vehicles that typically are in a hurry and routinely travel at speeds 5 to 10 miles per hour above the speed limit. My concern is amplified when you consider other subdivisions and streets in our city that have hills, sharp turns, cross streets and through streets from other subdivisions and roads.

Additionally, the general population are not experienced with how to drive LSVs and may not be familiar with how short wheel base-small tire vehicles turn and stop and their increased susceptibility of roll over. They also may not be aware of other risks associated with these vehicles.

So, the question that the city must answer is how they can authorize the use of LSVs on our streets without compromising safety and protect the children of this community.

I have often heard the following comment made by parents,” Our young children cannot protect themselves, so it is up to the parents to speak up on their behalf”. I totally agree with that statement and would like to add that it is up to all residents and the City of Chesterfield to make sure that laws and ordinances are enacted in a way that they specifically protect our most vulnerable from being injured due to any motorized vehicle operation or accidents.

IV. Golf Cart/LSV Operation and Safety Studies

There are numerous studies that show conclusively that children are more at risk than adults for severe injuries to their face, head and neck from golf cart and LSV accidents. ***These studies have concluded that improvements need to be made to LSV construction and that state and local municipalities should implement more stringent laws that specifically address how to prevent injuries to children.***

Please see the links below to access studies for your review.
(A synopsis of major statistics, findings and recommendations for each study are listed below the link for your convenience and review.)

A. National Library of Medicine- Pediatric Head and Neck Injuries due to Golf Cart Trauma

Abstract

Introduction: Golf carts are increasingly used off the golf course and **are often viewed as innocuous modes of transportation.**

However, research has shown they can cause significant injuries, particularly to children.

Objectives: Analyze golf cart related head and neck injuries in children and adults from a national database.

Methods: The National Electronic Injury Surveillance System (NEISS) was queried for golf cart injuries. *The NEISS tracks consumer product related injuries from a sampling of approximately 100 emergency departments across the United States. Age, general diagnosis (concussion, fracture, laceration), body-part injured, disposition (hospitalized, discharged), location injury occurred, and mechanism of injury were analyzed.*

Results: Over an 11-year period, a total of 3433 patients were identified.

There were 1471 children (16 years old or younger), which compromised 42.9% of the cohort.

Children were injured at home or on the road 44.7% of the time compared to only 16.6% of adults (p < 0.003).

Children injured their head or neck 42.6% of the time compared to 28.6% of adults (p < 0.0001).

Adults who were hit by a car while riding a golf cart were ejected from the golf cart 44.6% of the time compared to 61.7% of children ($p < 0.0001$). There were 3.9% of children with a face, head, or neck fracture compared to only 2.4% of adults ($p = 0.01$).

Conclusion: *Children are more vulnerable to golf cart related injuries, specifically to the head and neck.*

B. Characterization of Pediatric Golf Cart Injuries to Guide Injury Prevention Efforts

Background: Golf cart injuries represent an increasing source of morbidity and mortality in the United States.

Characterization of the circumstances of these injuries can inform injury prevention efforts.

Methods: This study retrospectively reviews a prospective trauma registry at a level-one pediatric trauma center for golf cart-related injuries in patients under 18 years of age admitted to the hospital between 2008 and 2016.

Results: The 40 identified crashes were associated with 82 hospital days, 17 ICU days, and more than \$1 million in hospital charges over the study period. The median hospital stay was 1.5 days, and the median hospital charge was \$20,489.

Severe injuries with an Injury Severity Score of >15 were identified in 25% of patients, and moderate injuries with scores between nine and fifteen were identified in an additional 30%.

The most common injuries were head and neck (60%) and external injuries to the body surface (52.5%).

Only a single child was wearing a seatbelt, and the vast majority was not using any safety equipment.

Children as young as nine years old were driving golf carts, and child drivers were associated with the cart overturning ($p=0.007$).

Conclusions: Golf cart crashes were a source of substantial morbidity at a level-one trauma center.

Increased safety measures, such as higher hip restraints, seatbelts, and front-wheel breaks could substantially increase the safety of golf carts.

Increased regulation of driving age as well as driver education may also reduce these injuries.

C. US News Golf Cart Injuries Keep Rising in the US Oct 2021

TUESDAY, Oct. 12, 2021 (HealthDay News) -- Golf carts aren't just for golfing anymore: They also abound in retirement communities, on farms, and at sporting and other events.

But the downside of that newfound popularity may be that an increasing number of children and adolescents are injured from the carts each year, a new study suggests.

A research team from the Children's Hospital of Philadelphia (CHOP) found more than **63,500 injuries to children** in the United States took place **between 2010 and 2019 -- roughly 6,500 per year in the past few years.**

More than half of those injuries happened to children 12 and younger,"
The vision for this work is that we're simply raising awareness. We're trying to be advocates for children," said Dr. Theodore Ganley, director of CHOP's Medicine and Performance Center and chair of the American Academy of Pediatrics Section on Orthopedics.

"If everyone's aware of the risks that golf carts can impose not just to teenagers and adolescents, but also pre-adolescents, moving forward, perhaps prevention measures can be instituted.

D. Golf Cart Injuries The Villages

During the period of 2011-2019 ***more than 18 000 Golf Cart (GC)-related injuries occur in the United States (US) annually.***

This study represents the largest single-center analysis of GC crashes performed within the largest GC community in the US, a community in which they are used extensively for local transportation.....875 GC-related crashes occurred, representing an average of 136 crashes, 65 hospitalizations, and 9 dead or disabled annually.

Of all crashes, 48% resulted in hospitalization, severe trauma, or death. Of these, ejection occurred in 27%, hospitalization in 55%, and death or disability in 15% of crashes.

Virtually all death and disability occurred within the setting of GC used on streets or road pathways.

Death and disability, particularly due to ejection during GC crashes, occur at an alarming rate when GCs are used for local transportation.

"We believe public awareness and the use of 3-point seatbelts in these vehicles would significantly reduce death and disability caused by these crashes."

E. Golf Cart Safety

Golf Cart & LSVs

IS GOLF CART SAFETY AN ISSUE?

Yes, it is a significant issue. The Consumer Product Safety Commission estimates that there are over 10,000 golf cart related injuries every year that require emergency room treatment.

Similarly, The American Journal of Preventive Medicine estimated there were 13,411 golf cart related injuries in 2006. The most significant injuries involve head trauma, fracture(s) and/or golf cart crash injuries arising out of occupant ejection and/or rollover incidents.

GOLF CART & LSV (LOW SPEED VEHICLE) CRASHWORTHINESS

It is important to point out that golf carts and LSVs are not designed for crashworthiness with other vehicles.

The Insurance Institute for Highway Safety's news release in May 20, 2010, points out that LSVs are essentially souped up golf carts that were envisioned as a low cost, eco-friendly way to tool around gated communities in the Sun Belt where they would have little interaction with larger vehicles.

The National Highway Traffic Safety Administration (NHTSA) in 1998 established safety standards for LSVs to be used on "short trips for shopping, social, and recreational purposes primarily within retirement or other planned communities with golf courses.

" LSVs are designed to go at least 20 mph but no faster than 25 mph. NHTSA requires these components: headlights, taillights, stoplights, front and rear turn signals, reflectors, parking brakes, rearview mirrors, windshields, safety belts, and vehicle identification numbers.

Significantly, NHTSA does not require LSVs to have airbags, or other safety features beyond seatbelts since they are intended for low risk driving.

However the low risk driving is based on having little interaction between larger vehicles and increased driving speeds.

F. Crash Testing

LSV Crash Testing <https://www.iihs.org/news/detail/low-speed-vehicles-and-minitrucks-shouldnt-share-busy-public-roads-with-regular-traffic>

LSV Crash Testing 2

These crash tests are shocking. They were conducted by the Insurance Institute of Highway Safety and Euro/NCAP with the intent of understanding how the GC/LSV would respond to a front and side impact with small size vehicles

and provide a means of communicating the data to the general public. "Just imagine what would happen during a crash with with a full size vehicle or SUV." In vehicle crashworthiness safety tests, two GEM e2 electric vehicles were tested and **showed damage to vehicle test dummies indicating serious or fatal injury for occupants. The first was a side impact test in which a pickup or SUV crashes into the nonmoving GEM car at 31 mph. The second test involved a Smart Car crashing into a stationary GEM at 31 mph.**

David Zuby of the Insurance Institute for Highway Safety's chief research officer commented that **"GEM and other LSVs weren't designed to protect people in a crash with a micro car like the Smart Fortwo, let alone larger cars, SUVs, and pickups in everyday traffic."**

¹ Another author has acknowledged this danger - **"the low relative vehicular weight of the LSV as compared to the typical automobile and the lack of occupant protection make collisions between the two especially dangerous for the occupants of an LSV."**²

They do not meet most of the Federal Motor Vehicle Safety Standards FMVSS for Crash Avoidance, Crash Worthiness or Post Crash Survivability that all automobiles and trucks that are manufactured in the United States are required to meet. "The manufacture of Golf carts and LSVs are exempt from these standards which makes them unsafe when driven on streets with other vehicles with different weights, sizes and maximum speed capabilities.*

G. Child Safety Restraints and Booster Seats

Missouri State Statue 304.029, and 49CFR 571.500 were drafted specifically for LSV's. These statutes specify certain basic safety equipment and requirements and **may not address safety requirements specifically for children.**

However, the state and the city of Chesterfield both have safety laws specifically for transporting children under the age of 16. The Missouri Statute MoRSMO 307.179 and Chesterfield ordinance 370.300 are nearly identical and specify the Requirements for Transporting Children under 16 in a Motor Vehicle-Restraints. **Does this state statute and city ordinance apply to LSV's?**

If so, and it appears they do, then all LSV drivers are are currently required by law per MoRSMO 307.179 and CC Ord. 370.300 to provide child booster seats and child restraint systems.

If for some reason the Missouri Statute MoRSMO 307.179 and Chesterfield ordinance 370.300 do not currently apply then the city should act per MoRs304.029 section 8 which states: **"Nothing in this section shall prevent county or municipal governments from adopting more stringent local**

ordinances governing low-speed vehicle operation if the governing body of the county or municipality determines that such ordinances are necessary in the interest of public safety.”

The City of Chesterfield could then reference the pertinent sections of MoRSMO 307.179 and Chesterfield City Ordinance Section 370.300 as part of a new Chesterfield LSV Ordinance. This would greatly increase the safety protection for children being transported in LSVs.

The single most affective way to improve child safety in LSV's is adopt more stringent seat belt, child seat, child restraint systems and seating requirement laws to LSV's.

As a community why would we not adopt these laws to provide our children with the highest level of safety possible when riding in a vehicle that has little or no crash protection?

V. LSV Laws for Other Nearby Communities- (See also Reference 1, A-1-2 pages 12-13.)

There are eight municipalities that border the City of Chesterfield. Based on a search of E-Codes for those cities it appears that the City of Ballwin is currently considering the use of LSV's.

The City of St. Peters is the only city that has a specific Low Speed Ordinance **Section 340.350 Operation of Low Speed Vehicles**. LSV's are permitted to operate on city streets. Requirements are based on State Statute 304.029 and 571.500

Section 375.060 Child Passenger Restraint Section. This ordinance has requirements for seat belt restraints and booster seats for children that are similar to MoRSMO 307.179 Additionally it contains a Non Liability of City clause in paragraph (E).

SEE ALSO REFERENCE 1 FOLLOWING THE CLOSING STATEMENT.

VI. Recommended Solutions

The information above seems to show that the City of Chesterfield and other cities in the state are left to address this issue without having the authority to make sweeping changes to LSV design and construction standards.

So what then can driver/owners and the city do to improve LSV safety and specifically to prevent injuries to children?

1. Draft LSV specific ordinances that reference the pertinent sections of Missouri Statute MoRSMO 307.179 and Chesterfield Ordinance 370.300 regarding Child

Restraint Systems and Booster Seats that are specifically designed to protect children from injury.

2. Consider requiring three point seat belts, lap and shoulder belt, for all seating positions and require one occupant only per seat belt.
3. Consider requiring heavy duty braking systems on all wheels . **Statistics have shown that LSVs with only rear brakes have a substantially higher risk of skidding and roll over when braking on down hill declines or turns.**
4. Consider requiring a minimum age of children allowed to be transported in an LSV.
5. Consider requiring a minimum age of children allowed to be transported in rear seats unless attended by an adult. **Often the driver cannot see the children in these seat depending on seat back height and design.**
6. Consider mandating which roads are off limits to Golf carts and LSVs due to design, slope, grade, mixed speed vehicles, mixed weight vehicles, traffic condition or other hazards.
7. Mandate the weather conditions during which Golf carts or LSVs are prohibited from operating. **LSVs are not required to be equipped with windshield wipers and anti-fogging vents, all-weather tires, fog lights or ABS brakes.**
8. Inspect and license LSV's to assure they meet all requirements particularly the max speed requirement. Mandate repeat inspections yearly.
9. Require visible inspection and licensing decals on front and rear of LSV
10. Require a driving test and safety training as a requirement for licensing.

The following web site provides some insights into the above information:

Policy and Design Consideration for Accommodating Low Speed Vehicles and Golf Carts in Community Transportation Networks

VII. Golf carts and LSVs on Walking Trails

Motorized vehicles of any type are prohibited from operating on Fienup Farms walking trails and common grounds without the specific authorization of the HOA. The obvious exception is for ADA mandated motorized wheelchairs. Our HOA Common Ground Rules and regulations prohibit motor-propelled vehicles on our walking trails which is supported by the City of Chesterfield Ordinance 340.260 A number of residents purchased their home partially for the natural outdoor experience of the lake and walking trails with the knowledge that motorized vehicles were prohibited.

It is worth noting that St. Louis County and the City of Chesterfield prohibits the operation of motorized vehicles in all their parks and walking trails.

Studies have indicated that it can be dangerous to mix golf carts, LSVs, bicycles and foot traffic on walking/hiking trails unless the trail is specifically designed for that type of traffic.

In addition, there is a significant issue with accessibility to the Fienup Farms main pavilion, playground and pickle ball courts and the community garden on the south-side of the subdivision common ground. The subdivision planners failed to provide for designated unloading or parking areas that provide safe and convenient access. This creates hardships to the general community to access these areas particularly for larger gatherings. Additionally, parking is restricted along the main entrance road that further complicates this issue. The use of golf carts and LSVs to access this area is very convenient for families who own these vehicles however they are restricted from using the walking trail trails and adjacent streets that connect to these areas.

This is an issue that needs to be addressed for all types of vehicles not just golf carts/LSVs and will require a committee from the subdivision working with the city planners to address this issue.

I am hopeful that the city can assist us in finding ways to work together to resolve all these issues.

VIII. Closing Statement

I would like to extend my gratitude to the City of Chesterfield PH&S Committee and the Chesterfield City Council for allowing me to provide you with information for your reference. I hope that you find this information useful when considering how and if you shall authorize the use of LSVs. I certainly hope any policy will address the growing concern about child safety when transporting children in LSVs and include mandatory 3 point seatbelt restraints, child car seats/restraints per existing state and local ordinances.

I respectfully recommend that the city review the laws and ordinances that have been enacted in other Missouri city's and the State and Cities of California, Florida, New Jersey and Delaware in great detail when considering how to draft ordinances for authorizing LSVs on Chesterfield City Streets.

The states of California, Florida, New Jersey and Delaware and the cities within, have the longest running history and greatest number of LSVs operating within the U.S. They also have developed the most stringent child seat and safety restraint laws.

REFERENCE 1

A. LSV Laws for Cities Near Chesterfield

There are eight municipalities that border the City of Chesterfield. Based on a search of E Codes for those cities it appears that the City of Ballwin is currently considering the use of LSV's and the City of St. Peters has a Low Speed Vehicle Ordinance permitting the use of LSV's. All other cities do not have ordinances permitting LSV use on city streets.

1. Cities Adjoining the City of Chesterfield

- Ellisville, MO. Currently have no specific ordinances authorizing golf carts or LSV's.
- Ballwin, MO. Currently have no specific ordinances authorizing golf carts or LSV's. However the city PH&S committee is currently investigating options
- Manchester. Currently have no specific ordinances authorizing golf carts or LSV's
- Town and Country. Currently have no specific ordinances authorizing LSV's. Golf carts and low speed vehicles under 1000 lbs are prohibited on city streets
- Wildwood Currently have no specific ordinances authorizing golf carts or LSV's.
- Creve Coeur Currently have no specific ordinances authorizing golf carts or LSV's.
- Maryland Heights. Currently have no specific ordinances authorizing golf carts or LSV's.
- St. Peters.

Section 340.350 Operation of Low Speed Vehicles. LSV's are permitted to operate on city streets. Requirements are based on State Statute 304.029 and 571.500

Section 375.060 Child Passenger Restraint Section. This ordinance has requirements for seat belt restraints for children that are similar to MoRSMO 307.179 Additionally it contains a Non Liability of City clause in paragraph (E).

2. Other Cities in the Area.

- **Lake St. Louis** <https://www.lakesaintlouis.com/2419/Golf-Cart-Guidelines>
Golf Cart Guidelines - Operation of Low Speed Vehicles is authorized based on State Statute 304.029 and 571.500 and just like any other vehicles on the road, seatbelts or child restrain seats MUST be used while operating low speed vehicles. This means kids can't ride on your lap.
- **City of Des Peres**
Sec. 14-181. - Operation of golf carts on certain city streets and regulating their operation on roadways and sidewalks.
Operation of Low Speed Vehicles is authorized on certain streets based on State Statute 304.029 and 571.500 .Additional restrictions are placed on intermediate drivers.
Sec. 14-176. - Use of seat belts mandatory. This ordinance has requirements for seat belt restraints for children that are the same as MoRSMO 307.179
- **City of Eureka**
Section 13.73.11 - Low-Speed Vehicle - Operation on Streets Permitted.
Operation of Low Speed Vehicles is authorized based on State Statute 304.029 and 571.500 .Additional restrictions are placed on the number of occupants and parking areas.
Section 13-148 **Seat Belts and Child Restraint Devices**
Use of seat belts mandatory. This ordinance has requirements for seat belt restraints for children that are the same as MoRSMO 307.179

B. LSV Laws for Other States and Cities

The following is a partial list of Cities and States that Enforce Child Passenger Seats and Restraint Laws Specifically for LSVs

1, State of California LSV Child Restraints

A Low-Speed Vehicle MUST BE CERTIFIED to meet Federal Motor Vehicle Safety Standards (FMVSS) to be registered and legally operated on public streets, roads, or highways with a speed limit not exceeding 35 mph. The federal regulations specify requirements for low speed vehicles. A low speed vehicle is

a 4-wheeled motor vehicle, whose speed is not more than 25 mph. The standard requires ten specific items of safety equipment

- 1) Headlamps
- 2) Front and rear turn signal lamps
- 3) Tail lamps
- 4) Stop lamps
- 5) Front/Rear/Side reflectors
- 6) Drivers side mirror and either interior or passenger side mirror
- 7) Parking brakes
- 8) Glazed windshield
- 9) 17-digit conforming VIN number

10) **Seatbelt assemblies installed at each designated seating position**

Because these are considered vehicles under State law, all the normal car seat and seat belt requirements apply as well.

As taken directly from the DMV website (<https://www.chp.ca.gov/programs-services/programs/child-safety-seats>):

Children under 2 years of age shall ride in a rear-facing car seat unless the child weighs 40 or more pounds OR is 40 or more inches tall. The child shall be secured in a manner that complies with the height and weight limits specified by the manufacturer of the car seat. (California Vehicle Code Section 27360.)

Children under the age of 8 must be secured in a car seat or booster seat in the back seat.

Children who are 8 years of age OR have reached 4'9" in height may be secured by a booster seat, but at a minimum must be secured by a safety belt. (California Vehicle Code Section 27363.)

Passengers who are 16 years of age and over are subject to California's Mandatory Seat Belt law."

To summarize, it is most certainly ILLEGAL for a toddler to be riding in a golf cart, NEV, or LSV without the proper seat and/or seat belt.

2. State of Florida and Walton County

Section 320.01(41), Florida Statutes, defines low speed vehicles (LSVs) as "any four-wheeled vehicle whose top speed is greater than 20 miles per hour, but not greater than 25 miles per hour." **LSVs must be registered, titled and insured** with personal injury protection (PIP) and property damage liability (PDL) insurance. **Any person operating an LSV must have a valid driver license** in their immediate possession.

LSVs may be operated only on streets where the posted speed limit is 35 MPH or less and must be equipped with the following safety equipment:

- Headlamps;
- Front and rear turn signals;
- Stop lamps;
- Tail lamps;
- Reflex reflectors, red – one each side and one on the rear;
- Exterior mirror on the driver side and an interior rear-view mirror or exterior mirror on passenger side;
- Parking brake;
- Windshield;
- Seat belt for each designated seat; and a
- Vehicle identification number (VIN)

Child restraints and car seats are REQUIRED for all children traveling in low-speed vehicles.

Car seats are required for children under 4 years old who are riding in Street Legal Golf carts (LSV)?

Children of any age are never allowed on the lap of an adult. If you are found to be in violation of Florida seatbelt laws, your cart will be confiscated. Safety for riders of every age must be prioritized over fun and/or convenience. If you are observed transporting children 3 or under without a car seat, you may be fined and cart removed.

3. State of New Jersey

Important note: Municipalities can impose a LSV ban on ALL roadways within their jurisdiction.

If you operate a LSV:

- You may not drive LSVs on roadways with speed limits that exceed 25 mph. (In limited cases, if deemed appropriate by a municipality, county or the NJDOT, **LSVs may be permitted on roadways with speed limits that do not exceed 35 mph.**)
- You should watch for and abide by road signs prohibiting use even on lower speed roads.
- **Child restraints in LSVs must meet the same standards as those used in passenger vehicles.**
- You must have a valid driver license to operate an LSV.

- You may lease or rent properly titled, registered and insured LSVs for temporary use.
- A LSV may be registered in the name of an individual, business or government entity.
- You are subject to the same violations as other vehicles (except for the regular inspection requirements).
- All LSVs shall have a safety information decal provided by the manufacturer on the rear of the vehicle.
- If you have only one license plate, you must put it on the rear of the vehicle.
- LSVs must meet Federal and State requirements. There are additional measures that can be taken to protect children and the general public which are being utilized by other states or cities and professional studies.

4. State of Delaware

OPERATING RESTRICTIONS

- A LSV may not be driven on Delaware roadways with posted speed limits that exceed 35 miles per hour except to cross such roadways at designated intersections.
- A LSV cannot be operated on any dual highway in Delaware, regardless of the posted speed limit, except to cross such highways at designated intersections. Local governments may adopt ordinances to allow the operation on some dual highways with speed limits of 35 miles per hour or less.
- All LSVs must have a 17-digit Vehicle Identification Number.
- Child restraints in a LSV must meet the same standards as those used in regular motor vehicles. Seat belts must be worn by all other occupants.
- If the LSV is operated on Delaware roadways, it must be insured.
- Operators of LSVs must have a valid driver's license.
- Operators of LSVs are subject to the same violations as other operators on the road.

**CITY OF CHESTERFIELD
POLICY STATEMENT**

VI

PUBLIC HEALTH & SAFETY

NO. 7

SUBJECT Toll Roads – Street Corner Solicitation

INDEX PD

DATE

ISSUED October 15, 2002

DATE

REVISED 1/4/2017

POLICY

I. PURPOSE

This Policy establishes guidelines for toll roads – street corner solicitations and establishes authority with the Chief of Police to prohibit solicitations at locations deemed unduly hazardous or inappropriate for such activities.

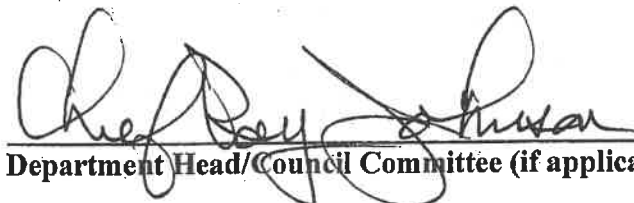
II. PROCEDURE

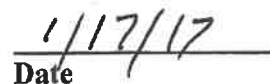
Toll roads – street corner solicitations will be permitted as outlined in the Municipal Code for the City of Chesterfield, Article 2 – Solicitors, Section 17-35 with the following additional restrictions:

- A. Only Old Newsboys Day solicitations and solicitations by the Knights of Columbus, Muscular Dystrophy Association, and the Chesterfield Fire Protection District will be permitted. No other solicitations will be allowed in any public rights-of-way or at any intersections involving public rights-of-way for any purpose.
- B. Due to safety concerns, the intersection of Clarkson Road and Baxter Road is considered off limits for solicitation purposes and no solicitations shall be allowed at this intersection for any purpose whatsoever.

All other terms and conditions stated in the above referenced ordinance shall remain in effect as it applies to Old Newsboys Day solicitation, the Knights of Columbus and the Chesterfield Fire Protection District. No solicitation permits for other organizations shall be issued.

RECOMMENDED BY:


Department Head/Council Committee (if applicable)


Date