

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI REGULATING THE OPERATION OF GOLF CARTS AND OTHER UTILITY VEHICLES ON THE CITY STREETS BY CREATING CHAPTER 390 OF THE OF MUNICIPAL CODE PROVIDING FOR THE CONTROL THEREOF AND PROVIDING FOR A PENALTY FOR THE FAILURE TO COMPLY WITH THIS ORDINANCE.

WHEREAS, the Board of Aldermen have received inquiries concerning the operation of Golf Carts and other utility vehicles upon city streets; and,

WHEREAS, the Board of Aldermen conclude that the operation of golf carts and other utility vehicles upon some city streets is reasonable, can enhance our citizens and visitors' experiences while in the city and can be accomplished safely:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1. That a new Chapter 390 titled Golf Carts and Utility Vehicles of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

Chapter 390 Golf Carts and Utility Vehicles

Section 390.010: Definitions –

- A. "Golf Cart" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty miles per hour. 304.034 RSMo.

Golf carts operated on city streets shall conform to the following safety standards:

- i. Headlamps when operating between sunset and sunrise,
- ii. Taillamps when operating between sunset and sunrise,
- iii. Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear,
- iv. An exterior mirror mounted on the driver's side of the vehicle or an interior mirror.
- v. A parking brake,
- vi. A horn or alert sound mechanism.
- vii. A bicycle safety flag, which extends not less than seven (7) 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 (30) square inches and shall be dayglow in color.

- B. "Utility Vehicle" any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty (50) inches but no more than sixty-seven (67) inches in width, with an unladen dry weight of two thousand (2000) pounds or less, traveling on four (4) or six (6) wheels, to be used primarily for landscaping, lawn care, or maintenance purposes.

Utility Vehicles operated on city streets shall conform to the following safety standards:

- i. Headlamps when operating between sunset and sunrise,
- ii. Taillamps when operating between sunset and sunrise,
- iii. Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear,
- iv. An exterior mirror mounted on the driver's side of the vehicle or an interior mirror.
- v. A parking brake,
- vi. A horn or alert sound mechanism
- vii. A bicycle safety flag, which extends not less than seven (7) 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 (30) square inches and shall be dayglow in color.

Section 390.020: Requirements for operating Golf carts on City streets, roads or alleyways within the City.

- A. No person shall operate a Golf Cart upon any city street unless all the following criteria are met:
1. The golf cart shall be properly equipped pursuant to City ordinance, section 390.010.
 2. Any individual operating a golf cart shall have a valid operator's or chauffeur's license,
 3. The golf cart shall be operated at a speed of no more than 20 mph.
 4. The Operator of the Golf Cart shall use hand signals when executing turns/stops, unless the Golf Cart is equipped with turn signals and stop lamps.
 5. Every operator of a Golf Cart shall maintain financial responsibility on such Golf Cart as required by Chapter 303 RSMO if the Golf Cart is operated on City Streets.

- B. No person shall operate a golf cart on City streets during any period when his or her operator's license is suspended or revoked.
- C. No person shall operate a golf cart on City Streets between sunset and sunrise unless the Golf Cart is equipped with Headlamps and Taillamps.

Section 390.030: Prohibited operation of a Golf Cart

- A. No individual operating a Golf Cart shall:
 - 1. Operate any Golf Cart on any roadway with a speed limit posted above 30 mph.
 - 2. Operate the golf cart in a careless or imprudent manner so as to endanger any person or property of any person.
 - 3. Operate the golf cart while under the influence of alcohol or controlled substance.
 - 4. Operate the golf cart on any federal, state or county highways, except to cross.
 - 5. No golf cart shall cross any federal, state highway, or city street at an intersection where the highway being crossed has a posted speed limit of more than forty-five (45) miles per hour.
- B. Golf Carts are prohibited on the following City streets:
 - 1. Nichols Road between Osage Beach Parkway and Dude Ranch Road.
 - 2. Passover Road between Osage Beach Parkway and Parkwood Circle.
 - 3. Bluff Drive between Osage Beach Parkway and Sunset Drive.

Section 390.040: Requirements for operating a Utility Vehicle on City streets, roads or alleyways within the City.

- A. No person shall operate a Utility Vehicle upon any city street unless all the following criteria are met:
 - 1. The Utility Vehicle shall be properly equipped pursuant to City ordinance Section 390.010.
 - 2. Any individual operating a Utility Vehicle shall have a valid operator's or chauffeur's license.
 - 3. The Utility Vehicle shall be operated at a speed of equal to or less than the posted speed limit.
 - 4. The Operator of the Utility Vehicle shall use hand signals when executing turns/stops, unless the Utility Vehicle is equipped with turn signals and stop lamps.
 - 5. Every operator of a Utility Vehicle shall maintain financial responsibility on such Utility Vehicle as required by Chapter 303 RSMO if the Utility Vehicle is operated on City Streets.

- B. No person shall operate a Utility Vehicle on City streets during any period when his or her operator's license is suspended or revoked.
- C. No person shall operate a Utility Vehicle on City Streets between sunset and sunrise unless the Utility Vehicle is equipped with Headlamps and Taillamps.

Section 390.070: Prohibited operation in a Utility Vehicle

- A. No individual operating a Utility Vehicle shall:
 - 1. Operate any Utility Vehicle on any roadway with a speed limit posted above 30 mph.
 - 2. Operate the Utility Vehicle in a careless or imprudent manner so as to endanger any person or property of any person.
 - 3. Operate the Utility Vehicle while under the influence of alcohol or controlled substance.
 - 4. Operate the Utility Vehicle on any federal, state or county highways, except to cross.
 - 5. No Utility Vehicle shall cross any federal, state highway, or city street at an intersection where the highway being crossed has a posted speed limit of more than forty-five (45) miles per hour.
- B. Utility Vehicles are prohibited on the following City streets:
 - 1. Nichols Road between Osage Beach Parkway and Dude Ranch Road.
 - 2. Passover Road between Osage Beach Parkway and Parkwood Circle.
 - 3. Bluff Drive between Osage Beach Parkway and Sunset Drive.

Section 390.090: Penalty

a. Any person who violates any provisions of this Chapter shall be punishable under Section 100.190 of the Municipal Code of the City of Osage Beach, Missouri.

Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen

without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. Codification

It is the intention of the Board of Aldermen and it is hereby provided, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Osage Beach, Missouri; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and the words "ordinance" may be changed to "section," "article" or other appropriate designation.

Section 5. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: August 6, 2020

READ SECOND TIME: August 20, 2020

I hereby certify that the above Ordinance No. 20.42 was duly passed on August 20, 2020, 2020 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:


Ayes 5 Nays 0 Abstaining 0 Absent 0

This Ordinance is hereby transmitted to the Mayor for his signature.

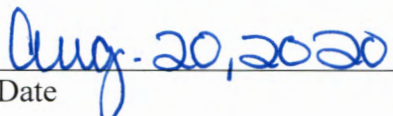
Aug. 20, 2020
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:


Edward B. Rucker,
City Attorney

I hereby APPROVE the above Ordinance No. 20.42.


Date

ATTEST:


John Olivarri, Mayor


Tara Berreth, City Clerk