

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTER 390: SECTION 390.010 DEFINITIONS; SECTION 390.030 PROHIBITED OPERATION OF A GOLF CART; SECTION 390.040 REQUIREMENTS FOR OPERATING A RECREATIONAL OFF-HIGHWAY VEHICLE OR UTILITY VEHICLE ON CITY STREETS, ROADS OR ALLEYWAYS WITHIN THE CITY; SECTION 390.070 PROHIBITED OPERATION IN A RECREATIONAL OFF-HIGHWAY VEHICLE OR UTILITY VEHICLE OF THE CITY CODE FOR VARIOUS PURPOSES AS SET FORTH.

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

Section 1. Within the City Code there are hereby enacted new Sections with material repealed and replacing set forth below with new material set out in **RED** and deleted material struck as follows:

Section 390.010 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

GOLF CART

1. 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 (20) miles per hour. (304.034, RSMo.)
2. Golf carts operated on City streets shall conform to the following safety standards:
 - a. Headlamps when operating between sunset and sunrise.
 - b. Taillamps when operating between sunset and sunrise.
 - c. Reflex reflectors: one (1) red on each side as far to the rear as practicable, and one (1) red on the rear.
 - d. An exterior mirror mounted on the driver's side of the vehicle or an interior mirror.
 - e. A parking brake.
 - f. A horn or alert sound mechanism.
 - g. 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 day glow in color.

RECREATIONAL OFF-HIGHWAY VEHICLE

1. Any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty (50) inches but no more than eighty (80) inches in width, measured from the outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred (3500) pounds or less, traveling on four or more non-highway tires and which may have access to ATV trails.

2. Recreation Off-Highway Vehicles operated on City streets shall conform to the following safety standards:
 - a. Headlamps when operating between sunset and sunrise.
 - b. Taillamps when operating between sunset and sunrise.
 - c. Reflex reflectors: one (1) red on each side as far to the rear as practicable, and one (1) red on the rear.
 - d. An exterior mirror mounted on the driver's side of the vehicle or an interior mirror.
 - e. Seat belts for all occupants.
 - f. A parking brake.
 - g. A horn or alert sound mechanism.
 - h. 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.

UTILITY VEHICLE

1. 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)~~ **eighty (80)** inches in width, **measured from outside of tire rim to outside of tire rim**, with an unladen dry weight of ~~two thousand (2,000)~~ **three thousand five hundred (3500)** pounds or less, traveling on four (4) or six (6) wheels, to be used primarily for landscaping, lawn care, or maintenance purposes.
2. Utility vehicles operated on City streets shall conform to the following safety standards:
 - a. Headlamps when operating between sunset and sunrise.
 - b. Taillamps when operating between sunset and sunrise.
 - c. Reflex reflectors: one (1) red on each side as far to the rear as practicable, and one (1) red on the rear.
 - d. An exterior mirror mounted on the driver's side of the vehicle or an interior mirror.
 - e. Seatbelts for all occupants.**
 - f. A parking brake.
 - g. A horn or alert sound mechanism.
 - h. 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 390.030 **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 thirty (30) miles per hour.
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 a 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 Recreational Off-Highway Vehicle or Utility Vehicle On City Streets, Roads Or Alleyways Within The City.**

A. No person shall operate a recreational off-highway vehicle or utility vehicle upon any City street unless all the following criteria are met:

1. The recreational off-highway vehicle or utility vehicle shall be properly equipped pursuant to City Ordinance Section **390.010**.
2. Any individual operating a recreational off-highway vehicle or utility vehicle shall have a valid operator's or chauffeur's license.
3. The recreational off-highway vehicle or utility vehicle shall be operated at a speed of equal to or less than the posted speed limit.
4. The operator of the recreational off-highway vehicle or 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 the recreational off-highway vehicle or utility vehicle shall maintain financial responsibility on such recreational off-highway vehicle or utility vehicle as required by Chapter 303, RSMo., if the recreational off-highway vehicle or utility vehicle is operated on City streets.

B. No person shall operate a recreational off-highway vehicle or 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 recreational off-highway vehicle or 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 Recreational Off-Highway Vehicle or Utility Vehicle.

A. No individual operating a utility vehicle shall:

1. Operate any utility vehicle on any roadway with a speed limit posted above ~~thirty (30)~~ **forty-five (45)** miles per hour.
2. Operate the **recreational off-highway vehicle or** utility vehicle in a careless or imprudent manner so as to endanger any person or property of any person.
3. Operate the **recreational off-highway vehicle or** utility vehicle while under the influence of alcohol or a controlled substance.
4. Operate the **recreational off-highway vehicle or** utility vehicle on any Federal, State or county highways, except to cross.
5. No **recreational off-highway vehicle or** 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. **Recreational Off-Highway Vehicles and** Utility vehicles are prohibited on the following **State Highways or** City streets:

1. **U.S. Highway 54** ~~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 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. 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: February 1, 2024

READ SECOND TIME: February 15, 2024

I hereby certify that Ordinance No.24.05 was duly passed on February 15, 2024, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 5

Nays: 0

Abstentions: 0

Absent: 1

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

Feb. 15, 2024

Date

Tara Berreth

Tara Berreth, City Clerk

Approved as to form:

Cole Bradbury

Cole Bradbury, City Attorney

I hereby approve Ordinance No.24.05.

Michael Harmison

Michael Harmison, Mayor

Feb. 15, 2024

Date

Tara Berreth

Tara Berreth, City Clerk