

**CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE**

Ordinance No. 21-0920-01

**ORDINANCE TO AMEND CHAPTER 27 OF THE CITY OF DELAWARE CITY CODE
BY ADDING SECTIONS 27-2(ff) AND 27-70 REGARDING THE USE OF GOLF CARTS
AND OTHER LOW-SPEED VEHICLES WITHIN DELAWARE CITY**

WHEREAS, pursuant to Article V, Section 5-02(A) of the City of Delaware City Charter (“Charter”), and pursuant to the “Powers of the City,” outlined in Article II, §2-01 of the Charter, the Mayor and the City Council of the City of Delaware City (“City Council” possess the authority to adopt, amend, modify, or repeal the City of Delaware City Code (“Code”);

WHEREAS, the Mayor and the City Council, in accordance with the City of Delaware City Comprehensive Plan seek to revise Sections 27-2(ff) and 27-70 of the Code of the City of Delaware City by permitting golf carts and certain other specifically designated low-speed vehicles (LSVs) to be operated within the jurisdiction of Delaware City.

NOW THEREFORE, making the express finding that the below changes enhance and perpetuate the City of Delaware City’s cultural, social, economic, religious, political or architectural history, as set forth in Chapter 49 of the Code, the Mayor and the City Council of the City of Delaware City hereby ordain and adopt the following Code changes and revisions:

Section 1. Section 27-2(ff) of the Code is hereby amended by inserting the following underlined language:

ff.) Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a public street or highway, except vehicles used exclusively upon stationary rails or tracks, and excepting coaches. Vehicles shall also include low-speed vehicles (LSVs), which are subject to the requirements set forth in Section 27-70 of this Code.

Section 2. Section 27-70 of the Code is hereby amended by inserting the following underlined language:

(a) Low-speed vehicles (LSVs) are 4-wheeled vehicles, powered by battery, electricity, diesel fuel or gasoline whose speed attainable in 1 mile is more than 20 miles per hour but no more than 25 miles per hour on a paved level surface. LSVs shall include golf cart and other similar non-motorized vehicles.

(b) Low-speed vehicle gross vehicle weight limitations. All LSVs must be limited to a gross vehicle weight rating (GVWR) of less than 2,500 pounds.

(c) Low-speed vehicle driver's license requirement – All persons operating a low-speed vehicle on the highways of this State shall hold a valid driver's license, except that no person under the age of eighteen (18) is permitted to operate a LSV, even if the individual possesses a valid driver's license or a learner's permit.

(d) Low-speed vehicle title requirements. All LSVs shall be titled as specified in Chapters 23 and 25 of Title 21 of the Delaware Code. All LSVs must have a 17-digit Vehicle Identification Number (VIN). The Division shall not issue vehicle identification numbers to homemade low-speed vehicles or retrofitted golf carts unless these vehicles meet all of the requirements of the Federal Motor Vehicle Safety Standard, 49 C.F.R. § 571.500.

(e) Low-speed vehicle registration requirements. Any Delaware City Resident or Business owner intending to operate an LSV within the Delaware City Limits must register their LSV annually. All registrations fall under the supervision of the Delaware City Police Department. The initial registration fee will be \$150.00, with an annual renewal fee of \$100.00 per year. The fees shall be applicable no matter when the LSV is registered. All registrations will begin on January the 1st of each calendar year and will expire on December 31st of each calendar year. Any Non-resident of the City of Delaware City who seeks to operate a LSV within the municipal boundaries must first obtain a Non-Resident registration. The Non-resident registration will be issued by the Delaware City Police Department. There will be two (2) types of Non-resident registrations: The first Non-resident registration will be for a period of thirty (30) days from the date of issue. The second Non-resident registration will be for a period of one year from the date of registration. The fee for a thirty (30) day Non-resident registration will be \$50.00; the fee for a one year registration will be \$100.00. All registrations will begin on January 1st of each calendar year and will expire on December 31st of each calendar year.

(f) Low-speed vehicle insurance requirements. All LSVs shall be required to maintain insurance as required by §2118 of Title 21 of the Delaware Code. All LSV operators must show proof of valid insurance covering the LSV at the time of registration or when requested by any duly authorized law enforce office of the City, County or State. Any operator who is unable to produce valid insurance, or who provides an insurance card that has been suspended, canceled or revoked will immediately lose their privilege to operate a LSV within the City of Delaware City for a period of one (1) year from the date of discovery of such suspended, canceled or revoked status. Delaware automobile insurance companies may provide automobile insurance on these vehicles at their option. These automobile insurance companies shall not be mandated to provide insurance on low-speed vehicles by regulation or law.

(g) Safety requirements. All LSVs shall be equipped with, a horn, headlamps, front and rear turn signal lamps, tail lamps, stop lamps, red reflex reflectors (one on each side as far to the rear as possible and one on the rear of the vehicle), an exterior mirror mounted on driver's side of the vehicle and either an exterior or interior mirror mounted on the passenger's side), parking brake, a

windshield that meets federal safety requirements, a vehicle identification number (VIN), a Type 1 or Type 2 seat belt assembly conforming to 49 C.F.R. § Section 571.201, installed at each designated seating position. All LSVs shall be maintained in proper condition and comply with all state and federal equipment requirements and standards. Any LSV may be registered in the name of an individual, business or government entity.

(h) Safety inspections. All low-speed vehicles shall be exempt from State of Delaware safety inspection. However, the City of Delaware City Police Department shall inspect all LSV's to assure compliance with these regulations. The City of Delaware City Police Department personnel will verify the vehicle identification number on those vehicles titled in another jurisdiction. Upon registration and renewal with the City of Delaware City of a low-speed vehicle's registration, the owner shall certify, under penalty of perjury, that all lights, brakes, tires, seat belts and other vehicle equipment are in good working condition, in addition to confirmation of valid insurance.

(j) Dealer requirements. Any person engaged in the retail sale of low-speed vehicles must be licensed by the Division of Motor Vehicles as a licensed motor vehicle dealer, must comply with all of the requirements of Chapter 63 of this title, and must meet all Division of Motor Vehicles rules and regulations.

(i) LSV child restraint requirements. LSVs must comply with federal and state safety standards and have the same child restraints as those found in passenger vehicles. Any child under the age of eight (8) and height of 57 inches should be secured in the rear seat of an LSV, as follows:

- (1) A child under the age of two (2) years and 30 pounds shall be secured in a rear-facing seat equipped with a 5-point harness.
- (2) A child under the age of four (4) years old and 40 pounds shall be secured as described in (a) until they reach the upper limits of the rear-facing seat, then in a forward-facing child restraint equipped with a 5-point harness.
- (3) A child under the age of eight (8) and a height of 57 inches shall be secured as described in (a) or (b) until they reach the upper limits of the rear-facing or forward-facing set, then in a belt-positioning booster seat.
- (4) A child over eight (8) years of age or 57 inches in height must be properly secured by a seat belt.
- (5) If there are no rear seats, the child should be secured as described above in the front seat...

(k) Operation of low-speed vehicles. LSVs may be operated on any street or roadway within the City Limits of Delaware City, but only where the posted speed limit is not more than 25 miles per hour. LSVs may not be operated on sidewalks, bike paths or lanes, , or in any parklands owned by the City of Delaware City or the State of Delaware. A low-speed vehicle may cross a highway at an intersection where the highway has a posted speed limit of more than 35 miles per hour. Low-speed vehicles shall not be operated on dual highways, as defined in § 135 of Title 17 of the Delaware Code and located in the unincorporated portions of the State except as needed to cross them. Low-speed vehicles may be operated on such dual highways within incorporated cities and towns if the respective municipal government enacts an ordinance permitting such movement, subject to the other limitations of this section. All low-speed vehicle shall meet the requirements of 49 C.F.R. § 571.500. All LSV drivers must abide by all applicable state laws and City of Delaware City ordinances governing traffic safety laws and rules of the road, just like all other vehicles. All LSV occupants must occupy an individual seat, and there must be an individual seat

for each occupant of the LSV. No LSV operated on any street or roadway within the City of Delaware City shall be permitted to tow any other vehicle, trailer, wagon or individual. The City of Delaware City shall designate on which streets that LSV's can operate.

(l) LSV parking requirements and limitations. LSVs can be parked in any designated areas of parking lots within the jurisdiction of Delaware City. They may also be parked on public streets. LSVs must abide by all local and state laws regarding parking. The City of Delaware City shall designate areas where LSV parking is not permitted.

(m) Whoever violates Section 27-70 shall for the first offense be fined not less than \$50 nor more than \$100. For each subsequent like offense, the person shall be fined not less than \$100 nor more than \$200, or imprisoned not less than 10 days nor more than 30 days or both.

If there are two (2) separate violations of this ordinance, or any other traffic law, within a calendar year, the City will revoke the violator's privilege to operate a LSV within the City Limits of Delaware City for a period of one (1) year from the date the violations are established.

ADOPTED BY THE MAYOR AND COUNCIL, this ____ day of _____, 2021.

ATTEST:

City Secretary

Mayor

APPROVED AS TO FORM:

Council Member

City Solicitor

Council Member

Council Member

Council Member

Council Member

First Reading on _____.

Second Reading, Public Hearing, and Final Passage on: _____.