

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

Ordinance No. 25-1117-01

**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 LOW-SPEED VEHICLES AND MODIFIED GOLF CARTS
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 seek to revise Sections 27-2(ff) and 27-70 of the Code of the City of Delaware City by permitting certain specifically designated low-speed vehicles (LSVs) and modified golf carts to be operated within the jurisdiction of Delaware City.

NOW THEREFORE, making the express finding that the below-referenced revisions 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) and modified golf carts and golf carts, subject to the standards and requirements set forth in Section 27-70 of this Code.

Section 2. Section 27-70 of this 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. In order for a vehicle to be considered an LSV the vehicle must meet specific state and federal safety standards, in addition to the state and federal requirements with respect to weight limitations, inspections, titling, registration, licensing, and insurance.*

(b) *Golf carts are battery powered vehicles designed specifically for use on a golf course and capable of a maximum speed of 20 miles per hour or less.*

(c) *A modified golf cart is a golf cart which is equipped with, at a minimum, the safety equipment described in section 2(m) and meets the other requirements for golf carts in this Ordinance.*

(d) *Low-speed vehicles and modified golf carts: ~~and golf cart~~ gross vehicle weight limitations. All LSVs and modified golf carts ~~and golf carts~~ shall be limited to a gross vehicle weight rating (GVWR) of less than 2,500 pounds.*

(e) *Low-speed vehicles and modified golf carts: driver's license requirement. No person shall operate a LSV or modified golf cart ~~or golf cart~~ unless the operator is eighteen (18) years of age or older and possesses a valid state issued driver's license.*

(f) *Low-speed vehicles and modified golf carts: title requirements. All LSVs and modified golf carts shall be titled as specified in Chapters 23 and 25 of Title 21 of the Delaware Code. All LSVs and modified golf carts must have a 17-digit Vehicle Identification Number (VIN). The Division of Motor Vehicles shall not issue vehicle identification numbers to LSVs or modified golf carts unless these vehicles meet all of the requirements of the Federal Motor Vehicle Safety Standard, 49 C.F.R. § 571.500. ~~Golf carts do not need to be titled by DMV for uses described in this ordinance.~~*

(g) *Low-speed vehicles and modified golf carts: limitations on operation. LSVs and modified golf carts ~~and golf carts~~ may only be operated by registered Delaware City residents within the jurisdictional limits of the City of Delaware City who otherwise meet the requirements of this Ordinance, ~~and which possess a valid and current business license. LSVs, modified golf carts or golf carts may only be~~*

used in conjunction with business purposes and not in connection with recreational or social purposes. A business owner or their employees may not rent, lease or loan an LSV, modified golf cart or golf cart for use within the corporate limits of Delaware City to anyone including its patrons or customers.

(h) *Low-speed vehicles and modified golf carts: permitted hours of operation.* LSVs and modified golf carts ~~or golf carts~~ may not be operated within the jurisdiction of the City of Delaware City during the hours of 10:00 p.m. – 6:00 a.m. The City Manager has the authority to modify the hours of operation as needed.

(i) *Low-speed vehicles and modified golf carts: registration requirements.* Any registered resident of the City of Delaware City ~~who business owner lawfully operating a business within the City of Delaware City who~~ seeks to operate an LSV or a modified golf cart ~~or golf cart as described in this Ordinance~~ within the City of Delaware City shall first submit an “application for a permit to operate an LSV or modified golf cart” ~~or golf cart~~ to the City Manager for review and approval. In the event the City Manager, at his or her discretion, elects to grant the registered resident’s application for a permit to operate an LSV or modified golf cart, the registered resident must at all times carry the “permit to operate and LSV or modified cart” which him or her ~~within the LSV or modified golf cart and must also have at all times or golf cart to a business owner, the business owner~~ a City-issued registration sticker affixed to the LSV or modified golf cart. ~~or golf cart.~~

(j) *Low-speed vehicles or modified golf carts: special use permits.* The City Manager shall have the authority, on a case-by-case basis, to issue special use permits to registered business owners within the City of Delaware City, permitting the registered business owners the privilege of operating LSVs or modified golf carts within certain portions of the City of Delaware City ~~or golf cart for~~ during special events that are not directly associated with the business use ~~on a case-by-case basis~~. Any LSVs or modified golf carts ~~or golf cart~~ used for a special event must be registered and shall at all times display the special use permit on the vehicle. The City Manager may also approve golf cart operations ~~on sidewalks, parks, etc. for special events.~~

(k) *Low-speed vehicles and modified golf carts: registration and renewal fees and duration.* The annual LSV and modified golf cart ~~or golf cart~~ registration fee shall be \$50.00. All registered residents of the City of Delaware City ~~business owners~~ who have been granted a permit to operate, ~~or allow employees to operate,~~ an LSV or modified golf cart ~~or golf cart~~ within the Delaware City limits must timely pay the annual LSV or modified golf cart ~~or golf cart~~ registration fee before being granted permission for continued operation of the LSV or modified golf cart within the City of Delaware City. All registrations will begin on January the 1st of each calendar year and will expire on December 31st of each calendar year. The annual \$50.00 registration fee shall apply no matter when the LSV or modified golf cart is registered.

(l) *Low-speed vehicles and modified golf carts: insurance requirements.* All registered resident of the City of Delaware City ~~business owner~~ who seeks ~~wants~~ to operate an LSV or modified golf carts ~~or golf carts~~ are required to maintain automobile insurance covering the vehicle, as required by § 2118 of Title 21 of the Delaware Code ~~or show that their business insurance policy covers the use of their LSV, modified golf cart or golf cart in a similar manner as required in Title 21 of the Delaware Code. A letter from an insurance company stating coverage is acceptable if an insurance card is not provided.~~ All LSV or modified golf cart ~~or golf cart~~ operators must show proof of valid insurance covering the LSV or modified golf cart ~~or golf cart~~ at the time of registration, or when requested by any duly authorized law enforcement officer of the City, County or State. Any LSV or modified golf cart operator who is unable to produce a valid insurance card for the LSV or modified golf cart ~~or golf cart~~, or who provides an insurance card that has been suspended, canceled or revoked will immediately lose his or her privilege to operate an LSV or modified golf cart ~~or golf cart~~ 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 shall not be mandated to provide insurance coverage on LSVs or modified golf carts ~~or golf carts~~ by ~~regulation or law~~ but may choose to provide, or choose not to provide, automobile insurance coverage on LSVs or modified golf carts, ~~these vehicles at their discretion option.~~

(m) *Low-speed vehicles and modified golf carts: safety requirements.* The purpose of this subsection is to ensure that all LSVs and modified golf carts ~~or golf carts~~ that are operated on the streets and roadways of

the City of Delaware City shall be equipped with the minimum motor vehicle equipment appropriate for motor vehicle safety. All LSVs and modified golf carts ~~or golf carts~~ shall be equipped with operational safety equipment including a horn, headlamps, front and rear turn signal lamps, tail lamps, stop lamps, red reflex reflectors (one red on each side near the rear and one red on the back), 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 the federal safety requirements set forth in Title 49, Section 571.205 of the Code of Federal Regulations or was installed by the manufacturer. If any safety equipment needs to be replaced or repaired and it is done by the owner, the owner shall sign a document stating that the safety equipment was installed as instructed by the manufacturer and give it to the City Manager and have the work reviewed by the police department. Work done by the manufacturer or a licensed dealer or repair service does not need to be reviewed by the City of Delaware City. All LSVs or modified golf carts must have a vehicle identification number (VIN) that conforms to the provisions outlined in Title 49, Section 565 of the Code of Federal Regulations. ~~Golf carts are not required to have a VIN number.~~ All LSVs and modified golf carts ~~or golf carts~~ must have a Type 1 or Type 2 seat belt assembly conforming to Title 49, Section 571.201 of the Code of Federal Regulations (installed at each designated seating position). All LSVs, modified golf carts or golf carts shall be maintained in proper working condition and comply with all state and federal equipment requirements and standards.

(n) *Low-speed vehicles and modified golf carts: safety inspections.* All LSVs and modified golf carts shall be subject to the State of Delaware Division of Motor Vehicles safety inspection processes. However, once a LSV or modified golf cart has passed inspection by the State of Delaware Division of Motor Vehicles, the City of Delaware City Police Department shall, at their discretion, thereafter, monitor and inspect all LSVs and modified golf carts to ensure continued compliance with the Federal and State of Delaware safety requirements and regulations. ~~Golf carts are not subject to State of Delaware Division of Motor Vehicle safety inspection process.~~ The City of Delaware City Police Department shall continuously monitor and inspect ~~at their discretion,~~ ~~monitor and inspect~~ all LSVs and modified golf carts to ensure continued compliance with the safety requirements and regulations described in this Ordinance for LSVs and modified golf carts.

(o) LSVs and modified golf carts: Dealer requirements. Any company or individual engaged in the retail sale of LSVs and/or modified golf carts 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.

(p) No children who require a child restraint (as in a passenger vehicle) shall be permitted ~~allowed~~ to travel as a passenger in an LSV or modified golf cart ~~or golf cart~~.

(q) LSVs and modified golf carts: Operation requirements. LSVs and/or modified golf carts ~~or golf carts~~ being operated within the jurisdictional limits of the City of Delaware City shall not travel at a speed greater than 25 miles per hour. LSVs and modified golf carts ~~or golf carts~~ may only be operated on the streets or roadway within the City Limits of Delaware City that are north of Route 9 (Fifth Street). LSVs and modified golf carts ~~or golf carts~~ may not be operated on Route 9 (Fifth Street) except as necessary to cross Route 9. LSVs, modified golf carts or golf carts seeking to cross Route 9 may only do so by using the designated LSV or modified golf cart ~~or golf cart~~ crossing lanes. LSVs and modified golf carts ~~or golf carts~~ 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. All operators of LSVs or modified golf cart ~~or golf cart operators~~ must abide by all applicable state and federal laws and City of Delaware City ordinances governing traffic safety laws and rules of the road, just like all other motor vehicles. All operators and passengers of LSVs and modified golf carts ~~or golf cart occupants~~ must occupy an individual seat within the LSV or modified golf cart. ~~must be an individual seat for each occupant of the LSV, modified golf cart or golf cart.~~ No LSV or modified golf cart ~~or golf cart~~ operated on any street or roadway within the City of Delaware City shall be permitted to tow any other vehicle, trailer, wagon or individual.

(r) LSVs and modified golf carts: parking requirements and limitations. LSVs and modified golf carts ~~or golf carts~~ are permitted to be parked in any designated parking lot areas within the jurisdiction of the City of Delaware City. LSVs and modified golf carts ~~or golf carts~~ may also be parked on public streets and roadways within the jurisdiction of the City of Delaware City. LSVs and modified golf carts must abide by all local and state laws regarding parking. The City Manager of Delaware City may designate certain areas (either ~~parking~~ lots or parking spaces) where LSV or modified golf cart parking is not permitted.

(s) 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 or 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 an LSV, modified golf cart or golf cart within the City Limits of Delaware City for a period of one (1) year from the date the violations are established.

Section 3. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the City Council's intent.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its adoption by City Council.

ADOPTED BY THE MAYOR AND COUNCIL, this ____ day of _____, 2026.

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: _____.