

AGENDA  
CITY COUNCIL MEETING  
Monday, July 21, 2008  
7:30 P.M.

1. Call to Order
2. Minutes of July 7, 2008
3. Visitors (All visitors wishing to address the Council must complete an information card and submit it to the City Clerk before the meeting begins)
4. Board/Committee Reports: Ald. Allred - Electric Service Fees Study  
Ald. Kolwyck – Park & Cemetery Board
5. Resolution: Appointment of Director and Alt. Director to MO Joint Municipal Electric Utility Commission
6. Resolution: 2008 Employee Salaries
7. CNM/MLP 2<sup>nd</sup> Quarter Financial Reports ending 6/30/08
8. CNM Six-month Statement of Revenues and Expenditures: 1/1/08-6/30/08
9. AECI Statement of Revenues and Expenses: 4/08, 5/08 and 6/08
10. Bid Award: Water Department Backhoe
11. Electric System Utility Contract
12. Approval of Riverbend Botanical Society's development of City property for veterans memorial park
13. Approval to change entrance and exit signs at Riverfront Park Boat Ramp and Parking Lot
14. Discussion: Proposed ordinance regulating golf carts and utility vehicles
15. Discussion: Proposed ordinance requiring payment of delinquent city taxes before a building permit may be issued.
16. City Administrator's Report

CLOSED SESSION, if requested, relative to:

- A. Legal actions, causes of action, or litigation (RSMo 610.021.1)
- B. Leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2)
- C. Hiring, firing, disciplining or promoting or particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
- D. Preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)
- E. Sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE III, CHAPTER 340 OF THE MUNICIPAL CODE OF THE CITY OF NEW MADRID, MISSOURI BY CREATING A NEW SECTION 340.125 REGULATING THE USE OF GOLF CARTS AND UTILITY VEHICLES WITHIN THE CITY OF NEW MADRID, MISSOURI.

WHEREAS, The Board of Aldermen of the City of New Madrid, Missouri has deemed that it is in the best interest of the citizens of the City of New Madrid, Missouri to regulate the use of golf carts and utility vehicles within the City in order to promote the health, safety and welfare of the citizens;

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

That Title III, Chapter 340 is hereby amended by adding a new Section 340.125 as follows:

Section 340.125: GOLF CART AND UTILITY VEHICLE USE

A: Definitions.

1. "City" shall mean the corporate limits of the City of New Madrid, Missouri.
2. "Streets and alleys" shall mean those roadways that have been accepted or platted by the City of New Madrid, Missouri as public streets and alley ways.
3. "Utility Vehicle" shall mean a motor vehicle that is (i) designed for off-road or construction-site use, (ii) powered by an engine of no more than 25 horse power, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility Vehicle" does not include all-terrain vehicles as defined in Section 340.120 of the Municipal Code of the City of New Madrid, Missouri, riding lawn mowers or go-carts.
4. "Golf Cart" shall mean a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

B: Limitations on golf cart and utility vehicle operations on designated public streets.

(a) Golf cart and utility vehicle operations on designated public streets and alleys shall be in accordance with the following limitations:

1. It shall be unlawful for any person to operate a golf cart or utility vehicle in any manner which violates the provisions in this Chapter. A violation of this section shall be deemed an ordinance traffic violation, punishable by a fine of no more than Five Hundred Dollars(\$500.00) and/or incarceration of up to 30 days in the County Jail.

2. Every person operating a golf cart or utility vehicle on the public streets of the City shall be subject to all of the duties applicable to a driver of a motor vehicle imposed by law, specifically including those laws pertaining to the possession and use of drugs and alcoholic beverages and operating a motor vehicle under the influence thereof.
3. A golf cart or utility vehicle may be operated only on a designated public street where the posted speed limit is 30 miles an hour or less. No Golf cart or utility vehicle shall cross any highway or street at an intersection where the highway or street being crossed has a posted speed limit of more than 40 miles per hour.
4. No person shall operate any golf cart or utility vehicle on any public street unless he has in his possession a valid driver's license.
5. Every golf cart or utility vehicle whenever operated on a public street shall display a slow-moving vehicle emblem in conformity with Section 307.127 RSMo.
6. Golf carts and Utility vehicles shall be operated upon the public streets only between sunrise and sunset, unless equipped with such lights as required in the Code of State Regulations as promulgated by the Missouri Department of Revenue and approved by the Vehicle Equipment Safety Commission for different classes of vehicles that operate upon the streets and highways of the State of Missouri.
7. Golf Carts and utility vehicles operating on designated streets pursuant to this article shall be insured by a policy of insurance with coverage of not less than the statutory minimum as established by the Missouri Department of Revenue for motor vehicles operating on the streets and highways of the State of Missouri.
8. Only the number of people the golf cart or utility vehicle is designed to seat may ride on the golf cart or utility vehicle. No passengers shall ride in the utility bed or the part of the golf cart designed to carry golf bags.
9. Golf carts and utility vehicles must be operated at the extreme right of the street and must yield to all vehicular and pedestrian traffic.
10. No golf carts or utility vehicles shall be operated on Scott Street in either direction from U.S. Highway 61 to its terminus with Powell Avenue.

(b) The limitations of subsection (a)1 above shall not apply to golf carts and utility vehicles being operated as follows:

1. To travel between a person's home and golf course or from a golf course to a retail gasoline outlet if (i) the trip would not be longer than one and one-half miles in either direction, and (ii) the speed limit on the road to be crossed is no more than 40 miles per hour.
2. To the extent necessary for local government employees, operating upon roadways

within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways with posted speed limits of 40 miles per hour or less.

C: Liability disclaimer: This Ordinance is adopted to address the interest of public safety. Golf carts and/or utility vehicles are not designed or manufactured to be used on public streets and the City of New Madrid in no way advocates or endorses their operation on public streets and alleys. The City of New Madrid, by regulating such operation is merely trying to address obvious and continuing safety issues that have arisen by the increased use of such vehicles by the public. The adoption of this Ordinance is not to be relied upon as a determination that operating on public streets is safe or advisable if done in accordance with this section. All persons who operate or ride upon golf carts and/or utility vehicles on public streets or alleys do so at their own risk and must be observant of and attentive to the safety of themselves and others, including passengers, other motorists, bicycles and pedestrians. The City of New Madrid assumes no liability under any theory of tort or contract and specifically denies any such liability including comparative fault. Any person who operates a golf cart or utility vehicle is responsible for procuring and maintaining liability insurance sufficient to cover the risk involved with operating a golf cart or utility vehicle on public streets and alleys and the procurement of such insurance is a condition precedent to the lawful operation of a golf cart or utility vehicle under this section.

READ TWO TIMES AND DULY PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
Donnie Brown, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE VI, CHAPTER 500, ARTICLE II, SECTION 500.060 "BUILDING PERMITS" BY ADDING A NEW SUBSECTION "F" REQUIRING THE PAYMENT OF CITY TAXES BEFORE A BUILDING PERMIT IS ISSUED.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW MADRID, MISSOURI AS FOLLOWS:

That Title VI, Chapter 500, Article II, Section 500.060 is hereby amended to add a new subsection F, which shall read as follows:

F. The application shall be accompanied by a certificate issued by the collection authority showing that the applicant is current in all city real estate and personal property taxes. No application shall be approved for any person or entity that is currently in arrears for any city taxes.

READ TWO TIMES AND DULY PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
Donnie Brown, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney