

AN ORDINANCE PERMITTING AND REGULATING LOW SPEED VEHICLES (GOLF CARTS) ON CERTAIN PUBLIC STREETS

ORDINANCE

WHEREAS, the Mayor and City Council of the City of Ozark, Alabama understand the desire of the City of Ozark's residents to allow for alternative transportation methods,

WHEREAS, State of Alabama Act 2022-18 allowed for Local Amendment I to be placed on the _____ date _____ General Election ballot in Dale County,

WHEREAS, Local Amendment I stated, Relating to Dale County, proposing an amendment to the Constitution of Alabama of 1901, to authorize the Dale County Commission, and municipalities within the county, to authorize and regulate the use of low-speed vehicles, including certain golf carts, on certain public roads,

WHEREAS, Dale County residents voted in favor of Local Amendment I with 43,839 affirmative votes for and 18,698 votes in opposition,

WHEREAS, the Code of the City of Ozark, Alabama is to be amended to permit and regulate the operation of Low-Speed Vehicles including certain Golf Carts on certain public streets within the City of Ozark,

WHEREAS, in enacting this Section of the Code, the City Council confirms its view that low speed vehicles and certain golf carts are not designed nor manufactured to be suitable for use on public streets and roads, and the City of Ozark in no way advocates or endorses the operation of low-speed vehicles and certain golf carts on public streets. The city understands that residents within residential communities' desire to have the option to operate their low-speed vehicles and certain golf carts on a limited basis within those communities in order to access the amenities in, and immediately adjacent to, those communities. In designating public streets on which golf carts may be legally operated, the Law requires the city to determine that low-speed vehicles and certain golf carts may safely travel on such designated streets after consideration of factors including, but not limited to, the speed, volume, and character of motor vehicle traffic using the street. The designation in this Section of certain streets as streets on which golf carts may safely travel is not a determination or representation by the City that operation of low-speed vehicles and certain golf carts on such streets is in fact safe or advisable even if done in accordance with this Ordinance due to the limited drive characteristics and safety features of low-speed vehicles and certain golf carts. All persons operating low-speed vehicles and certain golf carts must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. All persons who operate or ride low-speed vehicles and certain golf carts on public streets inside the City of Ozark do so at their own risk and peril, and no permit for the operation of low-speed vehicles certain golf carts on the public streets shall be issued except upon execution by the owner of the low-speed vehicles and certain golf carts of a written undertaking to indemnify and hold the City, its officials, officers, agents, and

employees harmless from any and all liability of any kind or character directly or indirectly associated with such operation.

BE IT ORDAINED, by the Mayor and City Council of the City of Ozark, Alabama as follows:

Section 1. Generally

The City of Ozark wants to allow alternative modes of transportation on certain city owned streets within its corporate limits. As such, the existence of uniform and centralized guidelines for low-speed vehicles and certain golf carts will benefit the residents of Ozark by providing easy understanding of the guidelines.

Section 2. Authorization

This Ordinance is enacted pursuant to the City's general police power, its general power to raise revenues, its authority to regulate land use and development, and under the authority granted to it under Code of Alabama, Sections 45-2-243.80, et seq. The approved Act 2022-18 amending the Constitution of Alabama of 1901.

Section 3. Definitions

When used in this Ordinance, the following words, terms, phrases, and their derivations, shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

Approved (Registered) Cart - Any low-speed vehicle or certain golf cart that is registered with the City of Ozark, irrelevant of tagged or not tagged.

All-Terrain Vehicle (ATV) - A motorized off-highway vehicle designed to travel on four low-pressure or non-pneumatic tires, having a seat designed to be straddled by the operator and handlebars for steering control.

Cart - A low speed vehicle or certain golf cart equipped with approved safety features in accordance of this ordinance and/or any subsequent amendments or ordinances. No All-terrain Vehicle (AN) or Utility Task Vehicle (UTV) are considered a cart.

City - The City of Ozark, Alabama.

City Limits - Any area within the corporate limits of Ozark.

Designated Cart Street - A city owned public street within the corporate limits of the City of Ozark, Alabama designated for the use of a cart.

Indemnity/Hold Harmless Agreement - Contractual agreement between two parties allowing exemption from liability for damages.

Low Speed Vehicle - Defined under Code of Federal Regulations Title 49, Subtitle B, Chapter V, Part 571, Subpart B, 571.500

Municipal Service Vehicle - A City operated State Tagged Cart or other City operated motorized equipment or vehicle when in service for the provision of public safety or maintenance services.

Registration Form - Form document provided by the City of Ozark documenting the low-speed vehicle or certain golf cart allowed for travel on cart streets.

State Tagged Cart - A golf cart, low speed vehicle, or neighborhood electric vehicle that is registered with and licensed by the State of Alabama under Title 32 of the Code of Alabama.

Utility Task Vehicle (UTV) - A motorized vehicle, with not less than four nonhighway tires that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total highway dry weight to not more than two thousand (2,000) pounds and that has a seat that is of bucket or bench design not intended to be straddled by the operator, a steering wheel or control levers for control, and is equipped with a bed or cargo box for hauling materials.

Section 4. Rules and Regulations

Low speed vehicles, certain golf carts, or State Tagged Cart that are not Municipal Service Vehicles may not be operated on any public street, road, or highway within the corporate limits of the City of Ozark that is not a Designated Cart Street.

Low speed vehicles, certain golf carts, or State Tagged Cart that are not Municipal Service Vehicles may be operated only on Designated Cart Streets in accordance with the following rules and regulations on which the posted legal speed limit is no greater than 30 miles per hour.

- 4.1. An Operator of a low-speed vehicle and certain golf carts must:
 - 4.1.1. Be at least fifteen (15) years old, and;
 - 4.1.2. Possess a valid Alabama or home state driver license or drivers permit, and;
 - 4.1.3. In the event the Operator only has an Alabama or other state learners permit, they may operate the low-speed vehicle or certain golf cart only while accompanied by a person occupying the seat beside the operator who is twenty-one (21) years of age or older, and who also possesses a valid Alabama driver license.
- 4.2. The headlights on the low-speed vehicle and certain gold carts shall be illuminated at all times when it is in operation on Designated Cart Streets regardless of the time of operation.
- 4.3. Any person who operates a low-speed vehicle and certain golf cart on the designated cart streets must adhere to this ordinance, any and all subsequent

ordinances or amendments and all State and municipal laws applicable to the operation of motor vehicles, including, without limitation, all laws concerning the operation of a vehicle under the influence of alcohol or drugs. The operator of a low-speed vehicle or certain golf cart may not overtake and pass in the same lane occupied by the vehicle being overtaken. A low-speed vehicle and certain golf cart may not be operated between lanes of traffic or between adjacent lines or rows of vehicles, and low speed vehicles and certain golf carts may not be operated two or more abreast in a single lane.

- 4.4. Low-speed vehicles and certain golf cart drivers must yield the right-of-way to overtaking vehicles at all times.**
- 4.5. The maximum occupancy of a low-speed vehicle and certain golf carts shall be the number of occupants for which the low-speed vehicle or certain golf cart has approved seat belts. No low-speed vehicle or certain golf cart shall be operated on any public street unless all occupants are seated with their seat belts fastened. All children must be in child restraints as stated in the State or Alabama law.**
- 4.6. No person shall be transported in a low-speed vehicle or certain golf cart on any public street in the lap of driver of the low-speed vehicle or certain golf cart.**
- 4.7. Low-speed vehicle and certain golf carts may be allowed on paved trails only if under a speed of 10 mph, to the far-right side of trail, and must yield to the right-of-way to all users of a trail not in a cart. This section shall be reviewed annually by the council, as calendared by the City Clerk.**
- 4.8. No low-speed vehicle or certain golf cart shall be parked in a designated handicapped parking space unless the driver or at least one passenger has a valid handicap parking permit that is displayed on the low-speed vehicle or certain golf cart.**
- 4.9. No low-speed vehicle or certain golf cart may be operated on a Designated Cart Street without a valid annual permit sticker issued by the Ozark Police Department to the owner of the low-speed vehicle or certain golf cart attached. A yearly fee of forty-eight dollars (\$48.00) per low-speed vehicle or certain golf cart will be charged for this permit sticker on the basis of each calendar year or prorated portion thereof. Each low-speed vehicle and certain golf carts must be inspected before a de nova permit is issued and no permit shall be issued for any cart that does not meet the equipment and condition requirements of this Ordinance. No permit shall be issued for any low-speed vehicle or certain golf cart without proof that any person who may operate the low-speed vehicle or certain golf cart on a public street is covered by a policy of liability insurance held by the owner of the low-speed vehicle or certain golf cart. The required minimum liability limits for the operation of the low-speed vehicle and certain golf cart shall be the same as required by the State of Alabama for the operation of a motor vehicle.**

- 4.10. Registration of a low-speed vehicle or certain golf cart is not transferable to a new owner of said vehicle or cart.
- 4.11. Annual renewal of low-speed vehicle or certain golf cart by same ownership shall require new annual permit sticker but not an inspection.
- 4.12. Indemnity agreement shall be signed by the low-speed vehicle or certain golf cart owner with both de nova and renewal registration.
- 4.13. Low speed vehicles and certain golf carts shall include a minimum of the following safety features to be eligible for registration:
 - 4.13.1. Cart roof
 - 4.13.2. Seatbelts (lap or shoulder)
 - 4.13.3. Head lights
 - 4.13.4. Tail lights
 - 4.13.5. Brake lights
 - 4.13.6. Windshield
 - 4.13.7. Rearview Mirror
 - 4.13.8. Operable brakes
 - 4.13.9. Steering wheel
 - 4.13.10. Tires (good condition)
 - 4.13.11. Front corner amber reflector tape
 - 4.13.12. Rear corner red reflective tape
 - 4.13.13. Slow Moving Vehicle 14"xl 6" reflective triangle sign mounted to cart
 - 4.13.14. Permanently attached identification number
 - 4.13.15. Low speed vehicle, certain golf carts, ATV or UTV are permitted if registered with the city and must not be able to exceed 70 dB at a distance of 15 feet when at full throttle.

Section 5. Violations

The following shall constitute violations of this Section:

- 5.1. The operation of a low-speed vehicle or certain golf cart on any public street, road, or highway within the corporate limits or police jurisdiction of the City of Ozark that is not a Designated Cart Street.
- 5.2. The operation of a low-speed vehicle or certain golf cart on any roadway which posted speed limit is 35 miles per hour or above, excluding exceptions noted in this Ordinance.
- 5.3. The operation of a low-speed vehicle or certain golf cart on a Designated Cart Street in violation of any the rules or regulations set out in subsection (4) above.

- 5.4. The operation of a low-speed vehicle or golf cart that is not a cart with a valid permit sticker on any public street, road, or highway within the corporate limits or police jurisdiction of the City of Ozark.
- 5.5. The operation of a low-speed vehicle, certain golf cart, or State Tagged Cart that is not a Municipal Service Vehicle on any public street, road, or highway within the corporate limits of the City of Ozark on which the posted legal speed limit is greater than 25 miles per hour.
- 5.6. The legal representative, parent, or guardian shall be deemed to be the one to have received the citation from the City for a juvenile found in violation of this ordinance.

The unauthorized operation of a low-speed vehicle, cart, or State Tagged Cart on any public street, road, or highway; a municipal street or public road in violation of this Section shall be a violation for which the City may assess and collect a civil penalty from the owner in the amount of one hundred dollars (\$100.00) for non-traffic violation or any and all fees associated in a traffic violation. All court costs will be additional outside of any fee assessed. In addition, any person committing a violation of this Section shall, upon conviction, be punished by a fine of not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00) and/or may be imprisoned for a period not exceeding thirty (30) days, at the discretion of the court trying the case. In the event of the assessment of a civil penalty against the owner, of a conviction of the owner or operator of a violation, or both, and at the discretion of the Chief of Police reviewable by appeal to the City Council, the low-speed vehicle or certain golf cart permit sticker issued to a low-speed vehicle or certain golf cart operated in violation of this Ordinance may be revoked by the Chief of Police.

Section 6. Restricted Roadways

All roadways/highways that are not owned and maintained by the City of Ozark that are over 25 MPH are restricted from low-speed vehicle or certain golf cart.

The Chief of Police will designate sanctioned roadways and modify sanctions as needed.

Section 7. Severability

If any portion or provision of this Ordinance, or its application to any person or circumstance, shall be declared unconstitutional or otherwise declared void, or invalid for any reason, or should any portion be pre-empted by State or Federal law or regulation, such portion or provision shall be deemed severed, and any such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Amendments

The City Council of the City of Ozark, Alabama may amend this article as the same is deemed necessary for the health, safety and welfare of the citizens of the City of Ozark, Alabama, particularly in the event that the City finds that the operation of low speed or certain golf carts have become hazardous, a nuisance, or is no longer beneficial to the public interest, which shall specifically include the lack of adequate security. The City Council of the City of Ozark, Alabama may enact such other, further, and different regulations as may be deemed necessary and appropriate for the health, safety, and welfare of Helena's citizens.

Section 9. Effective Date

This Ordinance shall become effective five days upon its adoption and publication as required by law.