

Ordinance No. 680

Ordinance Amending Ordinance No. 628 Establishing Regulations for the Use of Golf Carts On City Streets in Limited Areas

WHEREAS, the establishment of a golf cart ordinance is necessary to address the interests of public safety. Most golf carts, are not designed or manufactured to be used on public streets, roads and highways, hereinafter "road(s)," and the City of Pass Christian in no way advocates or endorses their operation on roads when contrary to such design or as provided by law. The City, by regulating such operation is merely trying to address obvious safety issues, and adoption of this Ordinance is not to be relied upon as a determination that operation on roads or streets is safe or advisable if done in accordance with this Ordinance. All persons who operate or ride upon carts on public roads or streets do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The City has no liability under any theory of liability for permitting golf carts or low – speed vehicles to be operated on roads or streets under special legislation granted by the Mississippi Legislature under Local and Private Law, House Bill 1675, 2013 Regular Session. The aforementioned local and private legislation was amended by House Bill 1468, in the 2020 Regular Session to allow golf carts and low speed vehicles to be operated throughout the City in certain areas and under certain circumstances.

(A)PURPOSE: The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the City of Pass Christian to promote the health, safety and welfare of persons operating golf carts and low – speed vehicles within the City and to protect the safety of their passengers and other users of roads and streets.

(B)DEFINITIONS: For the purpose of this section, the following words and phrases shall have the following meanings.

1. Golf Cart: 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 20 MPH and is equipped with the safety equipment as required under 49 CFR Section 571.500.
2. Low-Speed Vehicle: Any four-wheeled electric or gasoline powered vehicle that has a top speed greater than twenty (20) MPH but less than Twenty-Five (25) MPH and is equipped with the safety equipment as required under 49 CFR Section 571.500. This will not include any other “low – speed vehicle” that complies with all design and safety regulations that apply to all motor vehicles.
3. Driver's License: A valid license issued to operate a motor vehicle issued by the State of Mississippi or any other state, including a temporary learner’s permit.
4. Financial Responsibility: Liability insurance coverage (proof of financial responsibility) on a golf cart in an amount not less than required by Mississippi law for motor vehicles operated on public highways in the State. This will include any liability insurance coverage that may be available under a homeowner’s policy by separate endorsement or otherwise.
5. Operator: Only persons holding a valid driver's license may operate a golf cart on designated City roads and streets.

Section 1: Rules and Regulations

This ordinance is to establish regulations in the interest of public safety for golf carts and low – speed vehicles as provided hereinafter:

1. Golf carts and Low – Speed Vehicle shall be operated only on a public road or street within the City Limits that has a posted speed limit of twenty-five (25) miles per hour or less.

2. Golf carts and Low – Speed vehicles may only be operated on public streets in the area designated above and may not be operated on or cross interstate highways or US Highway 90 under any circumstances. Golf carts and Low Speed Vehicles may cross or travel certain streets that have speed limits in excess of 25 MPH when it is the shortest traveling distance to reach a road or street where they may be lawfully operated.
3. Any person who operates a golf cart must be responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of a golf cart in an amount not less than required by Mississippi law for motor vehicles operated on public highways in this State.
4. No person may operate a golf cart or low – speed vehicle unless that person is licensed to drive upon the public streets, roads and highways of Mississippi and then, only in accordance with such valid driver's license or temporary driver's permit. Golf cart operators must carry their driver's license or permit on their person at all times while operating a golf cart or low – speed vehicle on public roads.
5. Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local laws, regulations and ordinances.
6. The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of Mississippi and the City which governs the operation of motor vehicles.
7. An operator may not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the part of the golf cart designed to carry golf bags.
 - a. In no instance shall a golf cart or low – speed vehicle be operated at a speed greater than 25 miles per hour. No golf cart or low – speed vehicle may be operated at a speed greater than reasonable and prudent for the existing conditions, e. g. poor weather conditions.
8. Golf carts and Low Speed Vehicles must be operated only in the outside lane of multi-lane streets and roads, when applicable, and must yield to all vehicular and pedestrian traffic.
9. Golf carts must park in designated spaces in such a manner that multiple golf carts can utilize the space. All parking rules and limits apply. No parking on sidewalks or at the curb of public streets is allowed.
10. Golf carts must have basic equipment supplied by the manufacturer, including a vehicle identification or serial number. Such equipment must include all safety devices as installed by said manufacturer, including rear view mirror and a rear reflector of the same type required by Mississippi law.
 - a. Golf carts and low-speed vehicles without lights may be operated only during daylight hours. Golf carts may only operate on public streets outside these hours if they have a front and rear light that is visible from a distance of 500 feet; and if a mechanical turn signal indicator is not installed, then hand signals are required for turns.

Section 2: Registration, Inspection and Fee Prior to Usage

1. All golf cart owners must complete a golf cart registration application and submit same to City Clerk for approval. All golf carts and low – speed vehicles must be inspected by the Police Department before issuance of a permit. Before any golf cart or low - speed vehicle may be driven on public roads the vehicle must have a valid permit issued for registration. The decal for the permit shall be displayed on the rear left fender of the vehicle and shall be non-transferrable from that vehicle. Any person with valid driver’s license or temporary learner’s permit that is covered under the owner’s liability insurance for the golf cart or low – speed vehicle may operate the vehicle that has been properly registered.
2. Each owner/operator must have proof of ownership, and liability insurance, and a completed Waiver of Liability releasing the City from liability that may arise as a result of their operation of a golf cart or low – speed vehicle on the designated streets inside the City. These documents must be in the golf cart at all times while in operation on public roads and streets.
3. All golf carts and low – speed vehicles must meet the requirements or minimum standards of safety equipment as required by law.
4. The registration decal sticker shall be valid for as long as the registering owner owns the vehicle.
5. Any person denied a permit for failing to comply with this Ordinance shall be authorized to file an appeal to the Mayor and Board of Aldermen. The City reserves the right to revoke any permit for violations of this Ordinance or misrepresentations on any application for a permit.
6. Lost or Stolen Permit/Stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.

Section 3: Enforcement

Any person found to be in willful violation of any of the terms and provisions of this Ordinance shall be guilty of a misdemeanor and subject to a fine not to exceed \$500.00 and/or imprisoned for not more than ten days. The governing authorities of the City reserve the right to revoke this authorization in whole or part at any time.

Section 4: Severability

This Ordinance shall repeal Ordinance No. 628 adopted on September 3, 2013. The Sections of this Ordinance and the provisions hereunder are separate and independent of each other; and if any Section, Sub-Section, clause, phrase, or portion of this Ordinance, or the application thereof be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect the remaining portions of this Ordinance.

Section 5: Effective Date

To preserve the public safety and welfare of the citizens of this community because of the immediate need for the enactment of safety regulations concerning the operation of golf carts and low – speed vehicles in the City Limits, this Ordinance shall

become effective on November 3, 2020, but nevertheless, shall be published and enrolled in the manner required by law.

The above and foregoing Ordinance, having been addressed and reduced to writing, was read and considered section by section and then as a whole. The question of the adoption of the Ordinance was then put to a vote by the Mayor and the result was as follows:

Alderman Clarke	voted
Alderman Charlot	voted
Alderman Hall	voted
Alderman Pickich	voted
Alderman Torgeson	voted

The question having received a majority of the affirmative votes of all of the members of the Board of Aldermen present and voting, the Mayor declared the Motion carried and this Ordinance adopted and approved on this the ____ day of November, 2020.:

CITY OF PASS CHRISTIAN, MISSISSIPPI

BY: _____
Mayor Chipper McDermott

ATTEST:

City Clerk

