

STATE OF ALABAMA
COUNTY OF BALDWIN
CITY OF BAY MINETTE

ORDINANCE 1033

AN ORDINANCE TO REGULATE THE OPERATION OF GOLF CARTS ON
CERTAIN CITY STREETS WITHIN THE CITY OF BAY MINETTE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, IN
REGULAR MEETING ASSEMBLED, AS FOLLOWS:

SECTION I. AUTHORITY

This ordinance is adopted pursuant to the general police powers granted Alabama municipalities, Alabama Code Title 11, Chapter 45, Section 1 and in accordance with Alabama Constitution Title 15, Chapter 70.

SECTION II. ADMINISTRATION

- (a) The City's police chief or designee shall be responsible for the administration and enforcement of this Article.
- (b) The police chief shall have the authority to adopt policies and procedures to administer this Article consistent with the purpose and intent of this Article.
- (c) Such policies shall not have the effect of waiving the requirement of this Article.

SECTION III. FINDINGS

- (a) The City of Bay Minette is a rural community which serves as the County Seat of Baldwin County, Alabama.
- (b) The City has the following arterial roads: US Highway 31, US Highway 59, Alabama Highway 287, Alabama Road 138, McMeans Avenue and D'Olive Street.
- (c) Tradition golf carts (hereafter "Carts") are not designed or manufactured for use on public highways and do not conform to the safety standards of conventional automobile vehicles.
- (d) Carts are nonetheless popular and residents within the City desire to have the option to operate their Carts on a limited basis in order to access certain amenities adjacent to their neighborhood.
- (e) Alabama law, specifically Alabama Constitution Title 15, Chapter 70 allows cities to determine whether golf carts may safely travel on designated streets after considering several factors, including speed, volume, and character of motor vehicle traffic using the street. Alabama law also allows the City to regulate businesses within the City, Alabama Code Title 11 Chapters 51-90.
- (f) The designation in this Article of certain streets on which Carts may safely travel is not a determination or representation by the City that operation of Carts on such streets is in fact safe or advisable even if done in accordance with this Article due to the limited drive characteristics and safety features of golf carts.

- (g) All persons operating Carts must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians.
- (h) All persons who operate or ride Carts on public streets inside the City do so at their own risk and peril, and no permit for the operation of a Cart on public streets shall be issued except upon execution by the owner of the Cart 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 operations.

SECTION III. DEFINITIONS

As used in this Article, the following terms shall have the following meanings, without regard to capitalization.

City means the City of Bay Minette.

Designated cart street means the following public streets within the corporate limits of the City designated under this section for the use of carts. Cart streets shall be marked with appropriate signage advising that the street may be utilities by carts.

A Street	Elaine Avenue	Pecan Circle
Abernathy Avenue	Elm Street	Pecan Street
Anderson Blvd	Fletcher Drive	Penny Lane
Armstrong Avenue	Forest Court	Petty Lane
Askew Court	Forest Park Avenue	Phillips Street
Auburn Avenue	Freeview Avenue	Powell Avenue
B Street	Gilmer Circle	Quinley Street
Bay Street	Grove Street	Rachel Court
Bell Aire Circle	Hall Avenue	Rain Drive
Bell Street	Hardy Avenue	Rebecca Drive
Bibb Street	Hilton Avenue	Rider Court
Blackburn Avenue	Hodgson Lane	Rosalind Avenue
Bouler Avenue	Hutchinson Avenue	Scarlet Drive
Bradley Avenue	Iola St	Shedrick Hardy Parkway
Brentwood Drive	J B Warren Lane	South Bouler Avenue
Briarwood Court	Jacoby Court	South College Drive
Brown Avenue	Jenkins Circle	South Day Avenue
Brownwood Avenue	Jillian Place	South Dobson Avenue
Byrne Street	Kennesaw Avenue	South Driskell Avenue
Carroll Street	L Boeschen Road	South Hoyle Avenue
Cate Court	Lakeview Drive	South Pine Street
Cate Lane	Lamar Circle	South Street
Cedar Street	Lamberth Ln	South White Avenue
Charles Street	Lee Street	Sowell Avenue

Charlotte Road	Littles Lane	Stanmeyer Street
Clark Avenue	Love Lane	Stapleton Avenue
Cobb Court	Lower Street	Stone Circle
Collier Avenue	Lucy Drive	Stover Drive
Danley Trail	Lundberg Ln	Taylor Street
Dee Avenue	Manor Drive	Thomley Avenue
Dillon Court	Marietta Street	Townsend Avenue
Dow Court	Marks Avenue	Van Dyke Court
Duryea Circle	Marks Avenue Ext	Vine Street
East 1st Street	Mary Jane Drive	West 1st Street
East 2nd Street	McGee, Circle	West 2nd Street
East 3rd Street	Means Avenue	West 3rd Street
East 4th Street	Mitchell Avenue	West 4th Street
East 6th Street	Mixon Avenue	West 5th Street
East 7th Street	Moog Avenue	West 6th Street
East 8th Street	Morgan Avenue	West 8th Street
East 6th Street	Morgan Circle	West 10th Street
East 7th Street	Myrtle Street	West 11th Street
East 8th Street	N Bradley Ave	West 12th Street
East 10th Street	Neighbors Lane	West 14th Street
East 11th Street	North Hoyle Avenue	West 15th Street
East 13th Street	North Boykin Street	West 16th Street
East Banyan Street	North Day Avenue	West Almyra Street
East Cedar Street	North Driskell Avenue	West Banyan Street
East Ellis Street	North White Avenue	West Cedar Street
East Almyra Street	Northshore Drive	West Ellis Street
East Hickory Street	Norwood Drive	West Hickory Street
East Hurricane Road	Oak Circle	West Magnolia Street
East Magnolia Street	Oak Street	West Mango Street
East Mango Street	Oakwood Circle	West Railroad Street
East Pleasant Avenue	Park Street	Williams Street

By resolution of the City Council adopted from time to time subsequent to the enactment of the section, the list of designed Cart streets may be amended by the addition of other streets or the deletion of streets previously listed, provided, however, no street on which the speed limit is greater than 25 miles per hour shall be designated as a Cart street.

Department means the Bay Minette Police Department.

Designated multi-use cart path means a pathway within the corporate limits of the City that has been designated by the City Council as appropriate for multi-use.

Driver's License means a license to operate a motor vehicle (automobile) pursuant to Title 32-6-1 of the *Alabama Code*.

Golf Cart means a four wheeled, self-propelled vehicle used to transport persons or property, that is designed to operate at speeds no greater than 20 miles per hour and it does not meet the street legal specification. Golf Carts cannot be retrofitted to become low speed vehicles as they will not have the Manufacturer's Statement of Origin. The term "Cart" does not include off-road recreational vehicles or stated tagged vehicles. Each Golf Cart must have the following necessary equipment:

- Headlights mounted no higher than 36 inches;
- Brake lights;
- Turn signals;
- Windshield;
- Rear-view mirror;
- Efficient brakes; and
- Reliable steering apparatus.

Low Speed Vehicles (LSV) means a cart that has a 17-digit vehicle identification number (VIN) that conforms to the National Highway Safety and Traffic Administration and has a Manufacturer's Statement of Origin (MSO) that states the vehicle complies with safety standards set for LSV's. A LSV must have the following to be street legal:

- Basic standard that meets safety requirements (the Manufacturer's Statement of Origin);
- A minimum threshold of 20 mph and a top speed of 25 mph;
- Headlights;
- Front and rear turn signal lamps;
- Tail lamps;
- Stop lamps;
- Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear;
- Exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
- Parking Brake;
- Windshield that conforms to the Federal motor vehicle safety standard (AS-1 OR AS-5 composition);
- A Vehicle Identification Number (VIN);
- Type 1 (lap belt) or Type 2 shoulder belt; and
- Must be tagged/registered by the Department of Motor Vehicles.

Multi-use cart path means a path designated for use by pedestrians, bicycles and carts.

Municipal service vehicle means a City-operated motorized vehicle or piece of equipment when in service for the provision of public safety or public maintenance services.

Off-road recreational vehicle means vehicles intended to be used off-road, including but not limited to, ATVs, 4-wheelers, UTV and MUVs.

Operate means to drive or utilize a cart for transportation or any other purpose on any public street or multi-use cart path within the corporate limits of the City.

State tagged cart means a golf cart, low speed vehicle, or neighborhood electric vehicle that is registered with licensed by the State of Alabama under Title 32 of the *Code of Alabama*.

SECTION IV. PERMIT REQUIRED

- (a) No person may operate a Cart without a permit issued by the Department.
- (b) To obtain a permit, the owner of the Cart must make an application to the Department on such form as may be required by the Police Chief and pay an inspection fee of \$75.00 and a permit sticker fee of \$25.00. A replacement permit sticker may be obtained for a \$25.00 fee. Fees may be increased or decreased from time to time by resolution of the City Council. Fees shall be non-transferable and non-refundable.
- (c) Permits are valid for three (3) years and must be affixed to the Cart as directed by the Police Chief.
- (d) Each Cart shall be inspected to ensure that it is equipped with the necessary equipment. No permit shall be issued for any Cart that fails such inspection.
- (e) No permit shall be issued for any Cart without proof that any person who may operate the Cart on a public street is covered by a policy of liability insurance held by the owner of the Cart. The required minimum liability limits for the operation of the cart shall be the same as those required by the State of Alabama for operation of a motor vehicle.
- (f) Each permitted Cart shall display the assigned permit number on each side below the front seat of the Cart in a contrasting color, no smaller than four (4) inches in height.

SECTION V. OPERATING RULES

- (a) It shall be a violation of this ordinance for any person to operate a Cart that has not been permitted as required by Ordinance 1033.
- (b) It shall be a violation of this ordinance for any person to operate a Cart except in strict accordance with the following operating rules:
 - (1) The Cart operator must have a valid driver's license issued by a state or other governmental authority.
 - (2) The headlights on the Cart shall be illuminated at all times when it is in operation regardless of the time of operation and shall not be illuminated above 36 inches.
 - (3) Operators must adhere to 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.
 - (4) Operators may not overtake and pass in the same lane occupied by the vehicle being overtaken.
 - (5) A Cart may not be operated between lanes of traffic or between adjacent lines or rows of vehicles.

- (6) A Cart may not be operated two (2) or more abreast in a single lane.
- (7) Carts drivers must yield the right-of-way to overtaking vehicles at all times.
- (8) The maximum occupancy of a Cart shall be the number of occupants the Cart can seat. No Cart shall be operated unless all occupants are seated.
- (9) No Cart shall be parked in a designated handicapped parking space unless the driver or at least one (1) passenger has a valid handicap parking permit that is displayed on the Cart.

SECTION VI. VIOLATIONS

The following shall constitute violations of this Article:

- (a) The operation of a Cart on any public street, road or highway within the corporate limits or police jurisdiction of the City of Bay Minette that is not a designated cart street or designated multi-path.
- (b) The operation of a Cart in violation of any of the rules or regulations set out herein.
- (c) The operation of a Cart without a valid permit sticker.
- (d) The operation of a Cart by any person who does not hold a valid driver's license issued by a state or other governmental authority.
- (e) The operation of a state-tagged Cart that is not a municipal service vehicle on any public street, road or highway within the corporate limits of the City on which the posted legal speed limit is greater than 25 miles per hour.

SECTION VII. PENALTIES

- (a) Criminal Penalty. Any person committing a violation of this Article shall, upon conviction, be punished in accordance with Chapter 15 of the City Code.
- (b) Suspension/Revocation of Cart Privileges. The Police Chief may suspend the permit of any Cart that has been operated in violation of this Article for a period not to exceed thirty (30) days. The owner of the Cart may appeal the decision to the City Council by filing a request with the City Clerk within ten (10) days of the action revoking the permit. After receiving all relevant evidence pertaining to the suspension, the City Council may uphold or reverse the suspension of the permit or may revoke the permit.
- (c) Any Cart found to be in violation will be impounded in accordance with Chapter 15 of the City Code.

SECTION VIII. SECTION SUPPLEMENTAR TO FEDERAL AND STATE REGULATIONS

The provisions of this Article shall be interpreted as supplementary to all other municipal, state and federal laws and regulations now or hereafter in force, and compliance with this Article does not relieve an individual from the requirement of compliance with all other applicable municipal, state and federal laws and regulations, if any.

SECTION IX. SEVERABILITY

The provisions of this Ordinance are severable. If any section subsection, clause, phase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent, jurisdiction,

such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION X. Effective Date

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Bay Minette and publication as required by law.

SECTION XI. POSTING OF ORDINANCE

Ordinance 1033 shall be posted in three public locations as required by law. Posting locations include Bay Minette City Hall, Bay Minette Public Library and North Baldwin Utilities.

FURTHER, BE IT RESOLVED AND ORDAINED, BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA IN REGULAR MEETING ASSEMBLED, determined that Ordinance 1033 to Regulate the Operation of Golf Carts on Certain Streets Within the City of Bay Minette is hereby Adopted.

DONE THIS 21ST DAY OF AUGUST 2023.

Robert A. Wills, Mayor

ATTEST:

Rita Diedtrich, City Clerk

I, Rita Diedtrich, the undersigned qualified and acting City Clerk of the City of Bay Minette, Alabama do hereby certify that the above and foregoing is a true copy of an Ordinance lawfully passed and adopted by the Bay Minette City Council, at a regular meeting of such Council, held on the 21st day of August 2023 and that said Ordinance is on file in the office of the Bay Minette City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Bay Minette, Alabama on this the 21st day of August 2023.

Rita Diedtrich, City Clerk