

ORDINANCE 2023-05

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, ALABAMA AS FOLLOWS:

Article IV. – Golf Carts

Sec. 12-1. - Authority.

This article is adopted pursuant to the general police powers granted Alabama municipalities, Code of Ala. 1975, § 11-45-1.

Sec. 12-2. - 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 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 requirements of this article.

Sec. 12-3. - Findings.

- (a) Greenville is a well traveled destination for thousands of visitors each year.
- (b) The city has but four arterial roads—Interstate 65, Highway 185, Highway 31, and Highway 10—all of which are multi-lane state highways with speed limits in excess of 40 miles per hour.
- (c) Traditional golf carts (hereafter “carts”) are not designed or manufactured for use on public highways and do not conform to the safety standards of conventional automotive vehicles.
- (d) Carts are nonetheless popular and residents within the city desire to have the option to operate their golf carts on a limited basis in order to access certain amenities adjacent to their neighborhoods.
- (e) Alabama law, specifically Ord. No. 2023-05, §1, 8-28-2023, allows cities to determine whether golf

carts may safely travel on designated streets after considering several factors, including the speed, volume, and character of motor vehicle traffic using the street. Alabama law also allowed the city to regulate businesses within the city, Code of Ala. 1975, § 11-51-90.

- (f) The designation in this article of certain streets on which golf carts may safely travel is not a determination or representation by the city that operation of golf 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 golf 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 operation.

(Ord. No. 2023-05, §1, 8-28-2023)

Sec. 12-4. - Definitions.

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

Cart means a four-wheeled, self-propelled vehicle used to transport persons or property, that is designed to operate at speeds no greater than 25 miles per hour. The term “cart” does not include off-road recreational vehicles such as “side by side,” ranger, 4-wheeler, or state tagged vehicles.

Designated cart street means the following public streets within the corporate limits of the city designated under this section for the use of carts:

Any municipal roadway within the corporate city limits of the city with a speed limit of 25 miles per hour or less unless otherwise marked by appropriate signage stating carts are not allowed.

By resolution of the city council adopted from time to time subsequent to the enactment of this section, the list of designated 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 designated cart street.

Cart crossing means a designated location for a cart to cross over a non-designated cart street. Cart operators must yield right of way to motor vehicles (automobiles) before using a cart crossing and may not cross until safe to do so.

Department means the Greenville 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 Code of Ala. 1975, § 32-6-1.

Multi-use cart path means a path designated for use by pedestrians, bicyclists 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.

Non-designated cart street means any street or roadway (federal, state, or municipal) that has not been authorized for a cart to travel on.

Off-road recreational vehicle means vehicles intended to be used off-road, including, but not limited to, All Terrain Vehicles (ATVs), 4-wheelers, Rangers, Utility Task Vehicles (UTVs) and Multipurpose Vehicles (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 and licensed by the State of Alabama under Code of Ala. 1975, title. 32.(Ord. No. 2023-05, §1, 8-28-2023)

Sec. 12-5.- 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 application to the department on such forms as may be required by the police chief and pay a fee of \$50.00 per year. Fees may be increased or decreased from time to time by resolution of the city council. Fees shall be non-transferable and non-refundable. An inspection of the cart will be required for the initial permit and then again every three years to maintain the permit.
- (c) Permits are valid for three 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 head lights mounted no higher than 36 inches and no lower than 12 inches, seat belts for driver and each passenger, brake lights, turn signals, a standard horn, a windshield, a rear-view mirror, efficient brakes, and reliable steering apparatus. 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 sticker on each side of the golf cart below the front seat, no smaller than four inches in height.

(Ord. No. 2023-05, §1, 8-28-2023)

Sec. 12-6. - Operating rules.

- (a) It shall be a violation of this article for any person to operate a cart that has not been permitted as required by Ordinance 2023-05.
- (b) It shall be a violation of this article for any person to operate a cart except in strict accordance with the following operating rules:
 - (1) The cart operator must have a valid drivers' 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 or below 12 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 or more abreast in a single lane.
- (7) Cart 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 on a roadway unless all occupants are seated and in a seat belt.
- (9) No 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 cart.
- (10) No cart shall cross a non-designated cart street except at a designated cart crossing.

(Ord. No. 2023-05, §1, 8-28-2023)

Sec. 12-7. - Violations.

The following shall constitute violations of this article:

- (1) The operation of a cart on any public street, road, or highway within the corporate limits or police jurisdiction of the city that is not a designated cart street or designated multi-use path. State highways and roadways are not designated cart streets.
- (2) The operation of a cart in violation of any of the rules or regulations set out herein.
- (3) The operation of a cart without a valid permit sticker.

(4) 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.

(5) 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.

(Ord. No. 2023-05, §1, 8-28-2023)

Sec. 12-8. - Penalties.

(a) *Criminal penalty.* Any person committing a violation of this article shall, upon conviction, be punished in accordance with the following standard:

(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 30 days. The suspension may be imposed on the first or subsequent offense. The police chief may permanently revoke the permit of any cart that has committed multiple violations of this article. It does not matter if multiple violations are committed by a different operator, as long as, it is the same cart. The cart being operated in violation of this ordinance may be towed and impounded as well. The operator of a cart that is in violation of this article may receive a fine of no greater than one-hundred and fifty dollars and would be responsible for the towing company's expenses if the cart is impounded. The owner of the cart may appeal the decision to the city council, if a permit is revoked or suspended, by filing a request with the city clerk within ten days from the action revoking or suspending the permit. After receiving all relevant evidence pertaining to the suspension, the city council may uphold or reverse the suspension or revocation of a permit.

(c) *Fine schedule.* A first offense of a cart in violation of this ordinance shall be fined fifty dollars; a second offense shall increase the fine to one-hundred dollars; and a third offense shall increase the fine to one-hundred and fifty dollars in accordance with (Ord. No. 2023-05, §1, 8-28-2023) of the City Code. The fine shall increase even if the operator is not the same, as long as, it is the same permitted cart that has committed the violation. The fine shall also increase if the operator is the same even if the operator is on a different permitted cart. It is

recommended that a permit be revoked after three violations of a permitted cart within a three-year period.

(Ord. No. 2023-05, §1, 8-28-2023)

Sec. 12-9. - Section supplementary 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.

(Ord. No. 2023-05, §1, 8-28-2023)

ADOPTED AND APPROVED THIS THE 14th DAY OF AUGUST, 2023.



Dexter McLendon, Mayor

ATTEST:



Dee H. Blackmon, City Clerk-Treasurer