

ORDINANCE NO. 2021-1398

AN ORDINANCE AMENDING CHAPTER 70 OF THE
CODE OF ORDINANCES FOR THE CITY OF ORANGE BEACH, ALABAMA,
TO REGULATE THE OPERATION OF GOLF CARTS ON
CERTAIN STREETS WITHIN THE CITY

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

1. That Chapter 70 of the Code of Ordinances for the City of Orange Beach is hereby amended to add a new Article VIII entitled, "Golf Carts," to read as follows:

Sec. 70-___. - Authority.

This ordinance is adopted pursuant to the general police powers granted Alabama municipalities, *Ala. Code* § 11-45-1, and in accordance with *Ala. Const. Baldwin County* § 15.70 (hereinafter referred to as "§ 15.70").

Sec. 70-___. - 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. 70-___. - Findings.

- (a) Orange Beach is a resort island community that is a destination for thousands of visitors each year.
- (b) The island has but three arterial roads – Canal Road, Perdido Beach Boulevard and Orange Beach Boulevard – 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 *Ala. Const. Baldwin County* § 15.70, 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, *Ala. Code* § 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.

Sec. 70-___. - 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 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. Cart streets shall be marked with appropriate signage advising that the street may be utilized by carts:

STREET NAME
1st St
2nd St
3rd St
4th St
Adams Ave
Alabama St
Anchor Ln
Andrews Ln
Antigua Dr
Armadillo Ave
Avenue C
Avenue D
Baldwin Ave
Barbados Dr
Barnes Ln
Barracuda St
Bay Cir
Bay Cir
Bay Dr
Bay La Launch Ave
Bayland Dr
Bayou Dr
Bayou Rd
Bayou St John Ave
Bear Point Ave
Beaver Creek Ln
Bent Tree Cir
Black Bear Ln
Boat Basin Rd
Boat St
Bobcat Ln
Bonito Ave
Burkart Dr
Burkart Ln
Callaway Dr
Canal Square

STREET NAME
Caribe Dr
Carleton Dr
Carney Dr
Carondelette Dr
Caswell Pl
Claudette Cir
Cobia Ave
Commerce Park Dr
Commercial Ave
Compass Ln
Cotton Bayou Dr
Cotton Bayou Ln
Cotton Bayou Ln
Cotton Way
Cove Dr
Coyote Ln
Cross Ln
Cypress St
Davis Dr
Dogwood Ln
Dowty Ln
East Beach Blvd
East Oakridge Dr
Easy St
Fleetwood Cir
Florida Ave
Garrett Ln
Georgia St
Greentree Ln
Gulf Ave
Gulf Rd
Harbor Rd
Hayden Dr
Hickory Ln
Hideaway St
Holder Rd

STREET NAME
Holley Ln
Holly St
Illinoise St
Ivy Ln
Jackson Ave
Jefferson Ave
John Snook Dr
Jubilee Point Rd
Julio Courte Ln
Juniper St
Lake Rd
Lauder Ln
Lauder Pl
Lee Ave
Lexmark Ct
Lianna Ct
Long Ln
Look Rook Rd
Loop Rd
Louisiana St
Low Dr
Madison Ave
Magnolia Ave
Magnolia Cir
Magnolia Dr
Magnolia Dr
Majestic Ct
Manor Cir
Martinique Ct
Martinique Dr
Mauldin Ln
Mini Ln
Mississippi Ave
Mobile Ave
Money Bayou Rd
Moses Rd

Nana Brown Ave
Nancy Ln
North Bayshore Dr
Oak Ave
Oak Cir
Oak Ridge Loop
Oak St
Orange Ave
Orion St
Ornacor Ave
Palmetto Dr
Park Cir
Park Dr
Park Ln
Parkway Rd
Pelican Pl
Pensacola Ave
Perdido Ave
Perdido Gate Dr
Perdido Point Dr
Pine Blvd
Pine Cir
Pine Rd
Pine Way
Pinetree Ln

Pinewood Cir
Polaris St
Pompano Dr
Raley Ln
Regal Oaks Dr
Regal Oaks Ln
Regatta Ln
Rollins Rd
Romar Vista place
Romeo Ln
Russell Dr
Safeharbor Dr
Sailfish Ln
Sampson Ave
Sandy Hill Cir
Seville Cir
Sheril Ln
Snapper St
South Bayshore Dr
Spinnaker Way
St. Lucia Dr
Starboard Ln
Suarez Dr
Surrey Ln
Sweetwater Dr

Tarpon Ln
Taylor Ave
Terry Cove Dr
Tiger Brown Ave
University Ln
Virginia St
Walker Ave
Walker Dr
Washington Ave
Washington Blvd
Webster Ln
West Oak Ridge Dr
West Perdido Ave
White Ave
William Silvers Pkwy
Wilson Blvd
Wolf Bay Ave
Wolf Bay Cir
Wolf Bay Ter
Wolfhead Ave
Woodglen Dr
Woodglen Trace
Yellowfin St

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.

Department means the Orange Beach 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*.

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.

Off-road recreational vehicle means vehicles intended to be used off-road, including but not limited to, ATVs, 4-wheelers, UTVs 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 and licensed by the State of Alabama under Title 32 of the *Code of Alabama*.

Sec. 70-____. - 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 an inspection fee of \$75.00. 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 head lights mounted no higher than 36 inches, brake lights, turn signals, 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 number on each side below the front seat of the Cart in a contrasting color, no smaller than four (4) inches in height.

Sec. 70-____. - 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 Sec. _____.
- (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 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.
 - (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) Carts may not be operated two (2) 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 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.

Sec. 70-____. - 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 that is not a designated cart street or designated multi-use 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.

Sec. 70-____. - Penalties.

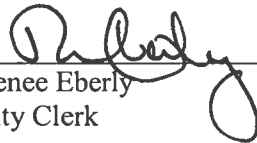
- (a) *Criminal Penalty.* Any person committing a violation of this Article shall, upon conviction, be punished in accordance with Chapter 1 of the City Code.
- (b) *Suspension/Revocation of Cart Privileges.* The Police Chief may suspend the permit of any Cart that has been operated in violation of this 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 from 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 70 of the City Code.

Sec. 70-____. - 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.

2. That this Ordinance shall become effective March 1, 2022.

ADOPTED THIS 16th DAY OF NOVEMBER, 2021.




 Renee Eberly
 City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing ORDINANCE 2021-1398 was posted on 11/18/2021 in the following three (3) public places:

Orange Beach City Hall _____

Orange Beach Post Office _____

Orange Beach Public Library _____



 Renee Eberly, City Clerk

