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:

<table>
<thead>
<tr>
<th>STREET NAME</th>
<th>STREET NAME</th>
<th>STREET NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st St</td>
<td>Caribe Dr</td>
<td>Holley Ln</td>
</tr>
<tr>
<td>2nd St</td>
<td>Carleton Dr</td>
<td>Holly St</td>
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<tr>
<td>3rd St</td>
<td>Carney Dr</td>
<td>Illinoise St</td>
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<tr>
<td>4th St</td>
<td>Carondelette Dr</td>
<td>Ivy Ln</td>
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<tr>
<td>Adams Ave</td>
<td>Caswell Pl</td>
<td>Jackson Ave</td>
</tr>
<tr>
<td>Alabama St</td>
<td>Claudette Cir</td>
<td>Jefferson Ave</td>
</tr>
<tr>
<td>Anchor Ln</td>
<td>Cobia Ave</td>
<td>John Snook Dr</td>
</tr>
<tr>
<td>Andrews Ln</td>
<td>Commerce Park Dr</td>
<td>Jubilee Point Rd</td>
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<tr>
<td>Antigua Dr</td>
<td>Commercial Ave</td>
<td>Julio Courte Ln</td>
</tr>
<tr>
<td>Armadillo Ave</td>
<td>Compass Ln</td>
<td>Juniper St</td>
</tr>
<tr>
<td>Avenue C</td>
<td>Cotton Bayou Dr</td>
<td>Lake Rd</td>
</tr>
<tr>
<td>Avenue D</td>
<td>Cotton Bayou Ln</td>
<td>Lauder Ln</td>
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<tr>
<td>Baldwin Ave</td>
<td>Cotton Bayou Ln</td>
<td>Lauder Pl</td>
</tr>
<tr>
<td>Barbados Dr</td>
<td>Cotton Way</td>
<td>Lee Ave</td>
</tr>
<tr>
<td>Barnes Ln</td>
<td>Cove Dr</td>
<td>Lexmark Ct</td>
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<tr>
<td>Barracuda St</td>
<td>Coyote Ln</td>
<td>Lianna Ct</td>
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<tr>
<td>Bay Cir</td>
<td>Cross Ln</td>
<td>Long Ln</td>
</tr>
<tr>
<td>Bay Cir</td>
<td>Cypress St</td>
<td>Look Rook Rd</td>
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<tr>
<td>Bay Dr</td>
<td>Davis Dr</td>
<td>Loop Rd</td>
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<tr>
<td>Bay La Launch Ave</td>
<td>Dogwood Ln</td>
<td>Louisiana St</td>
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<tr>
<td>Bayland Dr</td>
<td>Dowty Ln</td>
<td>Low Dr</td>
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<tr>
<td>Bayou Dr</td>
<td>East Beach Blvd</td>
<td>Madison Ave</td>
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<tr>
<td>Bayou Rd</td>
<td>East Oakridge Dr</td>
<td>Magnolia Ave</td>
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<tr>
<td>Bayou St John Ave</td>
<td>Easy St</td>
<td>Magnolia Cir</td>
</tr>
<tr>
<td>Bear Point Ave</td>
<td>Fleetwood Cir</td>
<td>Magnolia Dr</td>
</tr>
<tr>
<td>Beaver Creek Ln</td>
<td>Florida Ave</td>
<td>Magnolia Dr</td>
</tr>
<tr>
<td>Bent Tree Cir</td>
<td>Garrett Ln</td>
<td>Majestic Ct</td>
</tr>
<tr>
<td>Black Bear Ln</td>
<td>Georgia St</td>
<td>Manor Cir</td>
</tr>
<tr>
<td>Boat Basin Rd</td>
<td>Greentree Ln</td>
<td>Martinique Ct</td>
</tr>
<tr>
<td>Boat St</td>
<td>Gulf Ave</td>
<td>Martinique Dr</td>
</tr>
<tr>
<td>Bobcat Ln</td>
<td>Gulf Rd</td>
<td>Mauldin Ln</td>
</tr>
<tr>
<td>Bonito Ave</td>
<td>Harbor Rd</td>
<td>Mini Ln</td>
</tr>
<tr>
<td>Burkart Dr</td>
<td>Hayden Dr</td>
<td>Mississippi Ave</td>
</tr>
<tr>
<td>Burkart Ln</td>
<td>Hickory Ln</td>
<td>Mobile Ave</td>
</tr>
<tr>
<td>Callaway Dr</td>
<td>Hideaway St</td>
<td>Money Bayou Rd</td>
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<tr>
<td>Canal Square</td>
<td>Holder Rd</td>
<td>Moses Rd</td>
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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*.

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**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.
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(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.

[Signature]
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

[Signature]
Renee Eberly, City Clerk