



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Signature Copy

Ordinance: 18-2018-ORD

File Number: 18-0282

Enactment Number: 18-2018-ORD

AN ORDINANCE PERMITTING AND REGULATING THE OPERATION OF APPROVED GOLF CARTS AND LICENSED LOW SPEED VEHICLES ON CERTAIN PUBLIC STREETS WITHIN THE CITY OF FOLEY UNDER CERTAIN RULES AND REGULATIONS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FOLEY, ALABAMA as follows:

Section 1: That the Code of Ordinances, City of Foley, Alabama is hereby amended by the addition of Section 15-22, reading in its entirety as follows:

Section 15-22. Operation of Golf Carts on Certain Public Streets Permitted and Regulated.

(a) Policy Statement. This Section is enacted pursuant to the authority of the Alabama Constitutional Amendment adopted pursuant to Act No. 2016-271. In enacting this Section, the City Council confirms its view that golf carts are not designed or manufactured to be suitable for use on public streets and roads, and the City of Foley in no way advocates or endorses the operation of golf carts on public streets. The City understands that residents within golf course residential communities and other communities desire to have the option to operate their golf carts on a limited basis within those communities in order to access the amenities in and immediately adjacent to those communities, and have secured the adoption of Act No. 2016-271 to allow the enactment of ordinances permitting such operation in Baldwin County subject to the terms of the Act and to such other restrictions the City may impose as authorized by the Act. In designating public streets on which golf carts may be legally operated, the Act requires the City to determine that golf carts may safely travel on such designated streets after consideration of factors including, but not limited to, the speed, volume, and character of motor vehicle traffic using the street. The designation in this Section of certain streets as 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 Ordinance due to the limited drive characteristics and safety features of golf carts. 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. All persons who operate or ride carts on public streets inside the City of Foley do so at their own risk and peril, and no permit for the operation of a golf cart on the public streets shall be issued except upon execution by the owner of the golf 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.

(b) Definitions. As used in this Section, the following terms shall have the following meanings:

(1) "Cart" shall mean a golf cart equipped with approved seat belts for each occupant, head lights, brake lights, turn signals, a windshield, a rear view mirror, efficient brakes, horn, reliable steering apparatus, safe tires, and red reflectorized warning devices on both the front and rear and an orange warning flag displayed at least (6) feet above the ground. Exception, however, any state tagged cart or municipal service vehicle. Cart shall not mean a dune buggy (open chassis off-road recreational vehicle primarily designed or modified for off-road use on sand dunes or beaches). Cart shall not mean an ATV or something other than a golf cart though it may, in appearance, look like a golf cart. Questionable carts shall be determined by the Police Department during the inspection process.

(2) "State Tagged Cart" shall mean 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.

(3) "Municipal Service Vehicle" shall mean a City operated State Tagged Cart or other City operated motorized equipment or vehicle when in service for the provision of public safety or public maintenance services.

(4) "Designated Cart Street" shall mean the following public streets within the corporate limits of the City of Foley, Alabama designated under this section for the use of carts, to be marked with appropriate signage, approved by the Police Chief, advising that the street may be utilized by carts:

- Arcadia Drive
- Abita Drive
- Bourbon Street
- Beignet Drive
- Bunker Lane
- Covington Lane
- Clubhouse Drive
- Caddie Circle
- Carnoustie Drive
- Carnoustie Court
- Dornock Lane
- Dundee Circle
- Eagle Lane
- Fairway Drive
- Harahan Lane
- Inverness Way
- Iberville Drive
- Lakeview Drive
- Manderville Lane

Pro Circle
Parrish Lakes Drive
Toulouse Lane
Tammany Court
Tammany Blvd
Wedgewood Drive

As well as a segment of Alston Street, once the Foley City Council lowers the speed limit to 25 mph for said segment, then that section of Alston street will become a Designated Cart Street but only for the segment that runs north from Azalea Avenue and ends at W Section Avenue.

As well as all city alleyways south of Section Avenue and north of Azalea Avenue that run east and west and those that run north and south - all of which are located between Cedar St on the west border and McKenzie St on the east border.

As well as all city alleyways south of E Laurel and north of Azalea Avenue that run east and west and those that run north and south - all of which are located between S McKenzie on the west border and Stuart St on the east border.

As well as a specific alleyway that runs north from Violet Ave and ends at E Marigold Avenue.

As well as a specific alleyway that runs west from N Cedar St and ends at Beech St and is located north of Rose Ave and south of Orchid Ave.

As well as a specific alleyway that is west of Cedar St and runs north from Orchid Ave and ends at Begonia Avenue.

By resolution of the 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 mph shall be designated as a "Designated Cart Street".

(c) Rules and Regulations. Carts may not be operated on any public street, road, or highway within the corporate limits of the City of Foley that is not a Designated Cart Street and may be operated on Designated Cart Street only in accordance with the following rules and regulations. A State Tagged Cart this is not a Municipal Service Vehicle may not be operated on any public street, road, or highway within the corporate limits of the City of Foley on which the posted legal speed limit is greater than 25 miles per hour. In addition:

(1) No person who is not a driver licensed by the State of Alabama or, in the case of a non-resident, by his or her home state or country or who is less than sixteen (16) years of age may operate a Cart on a designated Cart Street.

(2) Carts may be operated on Designated Cart Streets between the hours of

sunrise and 10:00 pm. The headlights on the cart shall be illuminated at all times when it is in operation on Designated Cart Streets, regardless of the hours of operation.

(3) Any person who operates a cart on a Designated Cart Street 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. The operator of a cart may not overtake and pass in the same lane occupied by the vehicle being overtaken. A cart may not be operated between lanes of traffic or between adjacent lines or rows of vehicles, and carts may not be operated two or more abreast in a single lane. The operator of a cart may, in a safe manner, cross over, perpendicular, a street with a speed limit greater than 25 mph, to continue on to the other side of low speed streets. However, golf carts that are owned by a golf course and regularly maintained by the golf course do not need to meet all the equipment requirements of this ordinance when the carts are driven over or cross over the streets perpendicular. However, these carts will not be driven at night.

(4) Cart drivers must yield the right-of-way to overtaking vehicles at all times.

(5) The maximum occupancy of a cart shall be the number of occupants for which the cart has approved seat belts. No cart shall be operated on any public street unless all occupants are seated with their seat belts fastened. No child under the age of five (5) shall be transported in a cart on any public street.

(6) No cart shall be operated on any public sidewalk or bike path.

(7) 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.

(8) No cart may be operated on a Designated Cart Street without a valid permit sticker issued by the Foley Police Department to the owner of the cart attached. A yearly fee of \$25.00 per cart will be charged by for this permit sticker on the basis of each calendar year or portion thereof. Each cart must be inspected annually before a permit is issued and no permit shall be issued for any cart that does not meet the equipment and conditions of this Ordinance. No permit shall be issued for any cart without proof of 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 of the cart shall be the same as required by the State of Alabama for operation of a motor vehicle.

(d) Violations and Penalties. The following shall constitute violations of this Section:

(1) The operation of a Cart on any public street, road, or highway within the corporate limits of the City of Foley that is not a Designated Cart Street.

(2) The operation of a Cart on a Designated Cart Street in violation of any of the rules or regulations set out in subsection (c) above.

(3) The operation of a golf cart that is not a cart with a valid permit sticker on any public street, road, or highway within the corporate limits of the City of Foley.

(4) 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 of Foley on which the posted legal speed limit is greater than 25 miles per hour.

The unauthorized operation of a golf cart, Cart, or State Tagged Cart on any public street, road, or highway in violation of this Section shall be a violation for which the City may assess and collect a civil penalty from the owner in the amount of fifty dollars (\$50.00). In addition, any person committing a violation of this Section shall, upon conviction, be punished by a fine of not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00) and/or may be imprisoned for a period not exceeding thirty (30) days, at the discretion of the court trying the case.

In the event of the assessment of a civil penalty against the owner, or a conviction of the owner or operator of a violation, or both, and at the discretion of the Chief of Police reviewable by appeal to the City Council, the cart permit sticker issued to a cart operated in violation of this Ordinance may be revoked by the Chief of Police.

(e) Section Supplementary To Federal and State Regulation. The provisions of this Section shall be interpreted as supplementary to all other municipal, state, and federal laws and regulations now or hereafter in force, and compliance with this Section does not relieve an individual from the requirement of compliance with all other applicable municipal, state, federal laws and regulations, if any.

Section 2. Promulgation of Regulations. The Chief of Police or his designee may, from time to time, promulgate and enhance reasonable rules and regulations applicable to golf cart operations to implement and enforce this Ordinance.

Section 3. The provisions of this Ordinance are servable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity and enforceability of the remaining provisions of the Ordinance.

Section 4. This ordinance shall become effective upon its adoption and publication as required by law.

PASSED, APPROVED AND ADOPTED this 16th day of July, 2018.

President's Signature _____

Date _____

Attest by City Clerk _____

Date _____

Mayor's Signature _____

Date _____