

There came on for consideration at a duly constituted meeting of the City Council and Mayor of the City of Gulfport held on the 7th day of January, 2025, the following Ordinance:

ORDINANCE NO. 3477

ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES BY ADDING ARTICLE XXII OPERATION OF LOW-SPEED VEHICLES GOLF CARTS, AND FOR RELATED PURPOSES

WHEREAS, the Mississippi Legislature passed Senate Bill 2605 during the 2021 regular Session, which has been codified at Miss. Code Ann. Section 63-32-1, *et seq.*; and

WHEREAS, Miss. Code Ann. Section 63-32-1, *et seq.*, effectively allows, in the discretion of the municipality, the legal use of low-speed vehicles on public roads and streets within the City of Gulfport with a speed limit of twenty-five (25) miles per hour or less; and

WHEREAS, the City desires to adopt an Ordinance amending Chapter 6 of the Code of Ordinances by adding a new article, Article XXII, which permits and regulates the operation of low speed vehicles and golf carts on public roads and streets within the city limits as more fully set forth therein; and

WHEREAS, the Councilmember for Ward 3 has indicated that she does not believe it to be in the best interests of her Ward for low-speed vehicles or golf carts to be permitted on city roads and streets located within the geographic area of her Ward, as the same is constituted and exists on the date of adoption of this Ordinance, and therefore the area currently described as Ward 3 has been omitted from the applicability of this Ordinance, as referenced hereinbelow.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GULFPORT, AS FOLLOWS:

Section 1. That the findings, statements, and conclusions of fact contained in the preamble are adopted, ratified, and incorporated herein.

Section 2. That Chapter 6 is hereby amended to add Article XXII which shall read, as follows:

**CHAPTER 6 – MOTOR VEHICLES AND TRAFFIC
ARTICLE XXIII - OPERATION OF LOW-SPEED VEHICLES**

A. Definitions.

The following term and phrases, when used in this chapter, shall have the meaning ascribed to it in this section, except where the context clearly indicates a different meaning:

City means the City of Gulfport, Mississippi.

Golf cart means a motor vehicle that is designated and manufactured for operation on a golf course for sporting or recreational purposes, is not

capable of exceeding speeds of twenty (20) miles per hour, and is equipped with safety equipment as required under 49 CFR Section 571.500.

Low speed vehicle means any four-wheeled electric or gasoline-powered vehicle that has a top speed greater than twenty (20) miles per hour but less than twenty-five (25) miles per hour and is equipped with safety equipment as required under 49 CFR Section 571.500.

B. Permissible operations.

(a) Low-speed vehicles and golf carts may only be operated on city streets and roads where the posted speed limit is 25 miles per hour or below. Low-speed vehicles and golf carts may not be operated on any other streets or roads, except as provided herein. Low-speed vehicles and golf carts may only be operated in the outside lane of multilane streets and roads, where applicable.

(b) Any person operating a low-speed vehicle or golf cart on city roads and streets must have in his or her possession a valid driver's license or temporary driver's permit and proof of financial responsibility as required under MCA 1972, § 63-15-1 *et seq.*

(c) Low speed vehicles and golf carts may not be operated on, over, or across interstate highways. Low speed vehicles and golf carts may not be operated on, over, or across state highways, except as otherwise provided herein. When crossing state highways other than US Highway 90, low speed vehicles and golf carts shall use the shortest traveling distance.

(d) Low-speed vehicles and golf carts are not permitted to cross US Highway 90 except at 20th Avenue (at traffic light). Operation of low-speed vehicles and golf carts, except by personnel of relevant governing authorities, south of Highway 90 is limited to the area between 20th Avenue and 27th Avenue/East Pier Road, inclusive of the said rights of way.

(e) Low-speed vehicles and golf carts are permitted to cross streets that exceed the 25 miles per hour speed limit, but only for the purpose of crossing these streets, in which case the shortest traveling distance to do so shall be required at an intersection signalized by a traffic light.

(f) Operation of low-speed vehicles and golf carts is subject to all other applicable laws of the State of Mississippi and the City of Gulfport.

(g) The Gulfport Police Department shall monitor the permissible operations and regulations of all low-speed vehicles and golf carts and shall enforce this Ordinance.

(h) Low-speed vehicles and golf carts are not permitted on any city streets or roads in the geographic area described, as follows:

Beginning at the Northwest corner of Section 32, Township 7 South, Range 11 West, said point being on the Western municipal limits of the City of Gulfport; thence run East along the North line of Sections 32 and 33, Township 7 South, Range 11 West to the point of intersection with the centerline of the Illinois Central Railroad line right-of-way, said point lying approximately 2,340 feet East of the Northwest corner of said Section 33; thence run South along the centerline of said Railroad line right-of-way a distance of approximately 10,700 feet to its point of intersection with the centerline of the CSX Railroad main line right-of-way; thence run Northeasterly along the centerline of said CSX Railroad to the centerline of Kelly Avenue; thence run north along the centerline of Kelly Avenue to the centerline of 22nd Street; thence run West along the centerline of 22nd Street to the centerline of 13th Avenue; thence run

North along the centerline of 13th Avenue to the centerline of Pass Road; thence run Northeasterly along the centerline of Pass Road to the centerline of 28th Street; thence run East along the centerline of 28th Street to the centerline of Gulf Avenue; thence run South along the centerline of Gulf Avenue to the centerline of the CSX Railroad; thence run Northeasterly along the centerline of the CSX Railroad main line right-of-way to the centerline of Courthouse Road; thence run North along the centerline of Courthouse Road to the centerline of Pass Road; thence run Southwesterly along the centerline of Pass Road to the centerline of Hewes Avenue; thence run Northerly along the centerline of Hewes Avenue to the centerline of 41st Street; thence run South 45 degrees West for 610 feet to a point; thence run North 45 degrees West for 555 feet to a point; thence run North for 3,600 feet to a point; thence run North 45 degrees East for 2,450 feet, more or less, to the intersection of the centerlines of Washington Avenue and South Vista Drive; thence run Northwesterly along the centerline of Washington Avenue to the centerline of Cuandet Road; thence run North along a Northerly extension of the centerline of Cuandet Road to the centerline of the Bernard Bayou; thence run Northwesterly along the centerline of Bernard Bayou to the centerline of Three Rivers Road; thence run Northeasterly along the centerline of Three Rivers Road to the centerline of Interstate Highway 10; thence run Westerly along the centerline of Interstate Highway 10 to the intersection with the Western municipal limits of the City of Gulfport; thence run Southerly along the meandering of said municipal limits to the South side of Turkey Creek; thence run Southwest along the South side of Turkey Creek and along said municipal limits to the intersection with the West line of Section 29, Township 7 South, Range 11 West; thence run South along the West line of said Section 29 and said municipal limits to the Northwest corner of Section 32, Township 7 South, Range 11 West and the POINT OF BEGINNING.

C. Registration for low-speed vehicles.

(a) Every low-speed vehicle and golf cart to be operated on a public road or street shall be required to register the vehicle/cart with the City of Gulfport. Application for registration and payment of applicable fees shall be made to the City Clerk by the owner of the low-speed vehicle or golf cart. The application, which shall be provided by the City, shall include, among other relevant information, an acknowledgment the applicant has read and understands the provisions of this article and certifies that the low-speed vehicle or golf cart is and will remain in compliance with all requirements of this article. The cost for registration shall be \$100.00 (\$50.00 due at time of application (non-refundable); \$50.00 due at time of registration) to cover the costs of administration and inspection. Before a low-speed vehicle or golf cart is registered, it will be inspected by the Gulfport Police Department to ensure it is equipped with that safety equipment as specified under 49 CFR Section 571.500. The registration fee provided for herein shall be waived for low-speed vehicles and golf carts that have current/valid Mississippi License plates, with all other requirements remaining in effect as to such low-speed vehicles and golf carts.

(b) Once a low-speed vehicle or golf cart passes the inspection noted in the preceding paragraph, upon payment of applicable fees, production of proof of financial responsibility and insurance and presentation of a valid driver's license or temporary driver's permit, the low-speed vehicle or golf cart will be registered to the owner/applicant and a decal, which represents a license to operate a low-speed vehicle or golf cart pursuant to this Ordinance, shall be issued to the owner which must be displayed and visible on the left rear fender of the vehicle/cart.

(c) The City of Gulfport shall provide the owner a map of where low-speed vehicles and golf carts may be operated at the time of registration.

(d) The registration shall remain valid for as long as the owner owns the registered low-speed vehicle or golf cart. The registration/decal is non-transferrable; therefore, upon sale or transfer of low-speed vehicles and golf carts, the registration/decal expires, and the new owner must register the low-speed vehicle or golf cart and receive a new decal before use on a public road or street is permitted.

(e) Operating a low-speed vehicle or golf cart without a valid decal or in violation of the permissible operations set forth herein shall constitute a violation of this article and subject the owner to a fine up to \$500.00 per occurrence.

(f) The City Clerk may refuse to register and issue a decal for the operation of a low-speed vehicle or golf cart, or may revoke a previously issued decal, if the registered low-speed vehicle/golf cart and/or owner of the low-speed vehicle/golf cart is involved in three or more violations of this article within a twelve-month period. Decisions of the City Clerk under this paragraph may be appealed to the City Council. Any such appeal shall be taken by submitting a written request for appeal hearing with the City Clerk no more than ten (10) days after the action by the City Clerk being appealed. Such notice of request of appeal must contain the full name and address of the person making the appeal and an account of the reasons for the appeal and the decision being appealed from.

D. Liability disclaimer.

This article is adopted to address the interest of public safety. The city, through regulation, is addressing safety issues, and the adoption of this article is not to be relied upon as a determination that operating a low-speed vehicle or golf cart on public streets or roads is safe or advisable if done in accordance with this article. All persons who operate or ride upon low-speed vehicles or golf carts on public streets or roads do so at their own risk and peril, and must be observant and attentive to the safety of themselves and others, including passengers, other motorists, bicyclists and pedestrians. The city is not liable under any theory of liability and the city assumes no liability for permitting low-speed vehicles and golf carts to be operated on public streets and roads under the authority granted by the state legislature.

Section 3. This Ordinance shall be in full force and effective as of March 1, 2025. It shall be published according to law and shall be spread on the minutes of the Gulfport City Council.

Section 4. The Governing Authority further finds that the following shall serve as an explanatory statement of this Ordinance for purposes of publication: “This Ordinance adopts an amendment to Chapter 6 to add a new article, Article XXII, to provide for and regulate the operation of low-speed vehicles and golf carts on public streets in Gulfport. A copy of the full text of this Ordinance is available to municipal residents upon request to the City Clerk.” For the next thirty (30) days, a copy of the full text of this Ordinance shall be posted by the City Clerk:

(a) in the first floor lobby at City Hall (2309 15th Street, Gulfport, Mississippi 39501); (b) in the first floor lobby of the City’s Hardy Building (1410 24th Avenue, Gulfport, Mississippi 39501); and (c) in the first floor lobby of the County Courthouse in Gulfport (1801 23rd Avenue, Gulfport, Mississippi 39501). The City Clerk shall further furnish any resident of the City a copy of the full text of this Ordinance upon request.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Holmes, seconded by Councilmember Casey, and was adopted by the following roll call vote:

<u>YEAS:</u>	<u>NAYS:</u>	<u>ABSENT:</u>
Casey	None	None
Roland		
Holmes-Hines		
Walker		
Flowers		
Kosloski		

WHEREUPON the President declared the motion carried and the Ordinance adopted, this the 7th day of January, 2025.



ATTEST:
/s/ Brittany Rodgers

ADOPTED:
/s/ Rusty Walker

Brittany Rodgers, Clerk of Council

F.B. “Rusty” Walker, IV, President

The above and foregoing Ordinance having been submitted to and approved by the Mayor, this the 8th day of January, 2025.

APPROVED:
/s/ Billy Hewes

Billy Hewes, Mayor