RESOLUTION FOR AN ORDINANCE OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO ALLOW THE OPERATION OF GOLF CARTS ON CERTAIN STREETS WITHIN THE CITY

WHEREAS, Mississippi Code Section 63-32-1, et. seq. allows for the City of Southaven ("City") Governing Authorities to authorize the operation of golf carts on public roads and streets as designated by ordinance, within the City; and

WHEREAS, the City Governing Authorities desire to authorize the operation of golf carts on the City streets that a speed limit of twenty-five (25) miles per hour or less and/or a City street that is a controlled intersection with a pedestrian crosswalk; and

WHEREAS, the City of Southaven desires to pass an ordinance to regulate the lawful operation of Golf Carts, as described herein, on the streets within City limits; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF SOUTHAVEN AS FOLLOWS:

Title IX, Chapter 3, Sections 9-171 - 9-174 shall be amended as follows:

Sec. 9-171. Definitions. The following term and phrase, 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 Southaven, Mississippi.

Governing Authorities means the Mayor and the Board of Alderman of the City of Southaven, 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, as set forth in Exhibit A.

Sec. 9-172. Permissible Operations.

- a. Golf carts may only be operated on City streets with a posted speed limit of twenty-five (25) miles per hour or less and/or a City street section that is part of a controlled intersection with a pedestrian crosswalk. Golf Carts shall not be operated on any state highways or federal highways that are not interstate highways.
- b. Drivers are required to operate Golf Carts only in the outside lane of multi-lane streets and roads, when applicable.
- c. Any person operating a Golf Cart on the City 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 Mississippi Code Section 63-15-1 et seq.
- d. Operation of Golf Carts is subject to all other applicable laws of the State of Mississippi and City related to traffic and parking, along with corresponding penalties, not addressed herein.
- e. The City Police Department shall monitor the permissible operations and regulations of Golf Carts.

Sec. 9-173 Registration of Golf Carts.

- a. Every Golf Cart operated, as authorized under this Ordinance, on a City Street shall be required to be registered with the City Police.
- b. A registration fee of \$25.00 for each Golf Cart shall be payable at the time of registration, along with presentation of a valid driver's license or temporary driver's permit. The City Police shall provide the owner of the Golf Cart a registration decal that must be displayed on the left rear fender of the Golf Cart. The registration shall remain valid for as long as the registering owner owns the Golf Cart. The decal is non-transferrable meaning upon

- sale or transfer of the Golf Cart, the new owner must register the vehicle with the City within 15 days of the transfer of ownership. A new decal will be issued to the new owner.
- c. To register the Golf Cart, the owner of the Golf Cart shall make an appointment with the City Police by calling the non-emergency City Police to schedule such appointment.
- d. The City Police shall provide the registrant with a map of the areas, as set forth in Exhibit B, where Golf Carts may be operated at the time of registration. The operator shall be required to have proof of financial responsibility and a valid driver's license in his or her possession at all times while operating the Golf Cart on the City streets.
- e. Operating a Golf Cart in violation of this Ordinance shall subject the Golf Cart owner to a fine of \$25.00 per occurrence. However, before a citation is issued for any fine, a warning shall be given.
- f. The registration fee imposed under this section shall be deposited into the municipal general fund.

Sec. 9-174 Liability Disclaimer.

a) This Ordinance is adopted to address the interest of public safety. Golf Carts are not designed or manufactured to be used on the public streets and the City is no way advocates or endorses their operation on public streets or roads. The City, by regulating this operation, is addressing obvious safety issues, and adoption of this Ordinance is not to be relied upon as determination that operation on public streets is safe or advisable if done in accordance with this Ordinance. All person who operate or ride upon Golf Carts on public streets or road do so at their own risk and peril and must be observant of an attentive to the safety of themselves and others, including their passengers, other motorist, bicyclists and pedestrians. The City has no liability under any theory of liability

and the City assumes no liability, for permitting Golf Carts or to be operated on the public streets and road under this legislation granted by the Mississippi Legislature.

NOW, THEREFORE BE IT ORDERED that this Ordinance set forth above in this Resolution shall take effect one month after passage.

NOW, THEREFORE BE IT ORDERED pursuant to Miss. Code 21-13-11, the City Clerk shall provide notice of the adoption of the Ordinance in the *Desoto Times* one (1) time.

A motion was made by Alderman Hoots to approve the foregoing Resolution for the Ordinance and was seconded by Alderman Jerome and brought to a vote as follows:

Alderman Kristian Kelly voted: Y	ES
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Alderman Charlie Hoots voted: YES

Alderman Joel Gallagher voted: YES

Alderman George Payne voted: YES

Alderman William Jerome voted: YES

Alderman John David Wheeler voted: YES

Alderman Raymond Flores voted: YES

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 3rd day of May, 2022.

CITY OF SOUTHAVEN, MISSISSIPPI

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DARREN MUSSELWHITE, MAYOR

ATTEST:

CITY CLERK

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EXHIBIT A

- (a) When tested in accordance with test conditions in S6 and test procedures in S7, the maximum speed attainable in 1.6 km (1 mile) by each low-speed vehicle shall not more than 40 kilometers per hour (25 miles per hour).
- (b) Each low-speed vehicle shall be equipped with:
- (1) Headlamps,
- (2) Front and rear turn signal lamps,
- (3) Taillamps,
- (4) Stop lamps,
- (5) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear,
- (6) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror,
- (7) A parking brake,
- (8) A windshield that conforms to the Federal motor vehicle safety standard on glazing materials (49 CFR 571.205).
- (9) A VIN that conforms to the requirements of part 565 Vehicle Identification Number of this chapter, and
- (10) A Type 1 or Type 2 seat belt assembly conforming to Sec. 571.209 of this part, Federal Motor Vehicle Safety Standard No. 209, Seat belt assemblies, installed at each designated seating position.
- (11) Low-speed vehicles shall comply with the rear visibility requirements specified in paragraphs S6.2 of FMVSS No. 111.
- (12) An alert sound as required by § 571.141.

EXHIBIT B

MAP

City of Southaven

