

CITY OF HATTIESBURG

ORDINANCE NO. _____

**AN ORDINANCE PERTAINING TO THE USE AND REGULATION OF GOLF CARTS
AND LOW-SPEED VEHICLES ON PUBLIC ROADS OR STREETS**

WHEREAS, the City of Hattiesburg, Mississippi is authorized to pass ordinances not inconsistent with the provisions of the Constitution and laws of the State of Mississippi and the United States; and

WHEREAS, Senate Bill 2605, passed by the 2021 Mississippi Legislature and signed into law by the Governor on March 17, 2021, authorizes the legal use of Golf Carts and Low-Speed Vehicles on public roads and streets in Mississippi Municipalities designated by ordinance; and

WHEREAS, the City of Hattiesburg seeks to provide increased access to alternative transportation and to promote equitable and accessible systems of transportation while ensuring the safety of the general public; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hattiesburg as follows:

SECTION 1: Definitions.

The following words and phrases, whenever used in this Chapter, shall be defined as follows:

- (1) "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.
- (2) "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.
- (3) "Motor vehicle" means vehicles as defined in Miss. Code Ann. §§27-19-3, 27-51-5, and 63-17-155 but shall not include electric personal assistive mobility devices as defined in Miss. Code Ann. §63-3-103, or Golf Carts or Low-Speed Vehicles as defined herein.
- (4) "Person" means every natural person, firm, co-partnership, corporation, joint-stock or other association or organization.
- (5) "Owner" or "Registrant" means a person who holds the legal title or interest in a Golf Cart or Low-Speed Vehicle as defined herein.
- (6) "Driver" or "Operator" means the person driving or operating a Golf Cart or Low-Speed Vehicle at any given time.

(7) “City” means the City of Hattiesburg, Mississippi.

(8) “Governing authorities” means the Mayor and City Council of the City of Hattiesburg, Mississippi.

SECTION 2: Licensing and Registration.

- (1) Every Golf Cart and Low-Speed Vehicle to be operated on a public road or street in the city shall be required to be registered in the City's Clerk's office.
- (2) Upon payment of a reasonable registration fee as determined by the Governing authorities and attached as Exhibit A, presentation of proof of financial responsibility, disclosure of a valid Vehicle Identification Number (VIN) or serial number, signed acknowledgement of compliance of the provisions of this ordinance, and presentation of a valid driver's license or temporary driver's permit, the owner of the Golf Cart or Low-Speed Vehicle shall be issued a registration decal by the City Clerk that must be displayed on the left rear fender of the vehicle.
- (3) The registration fee imposed under this section shall be retained by the City Clerk and deposited into the municipal general fund.
- (4) The registration shall remain valid for as long as the registering owner owns the Golf Cart or Low-Speed Vehicle. The registered owner may obtain a replacement decal from the City Clerk for an original decal that has been lost or damaged with payment of an additional fee as listed on Exhibit A.
- (5) A new owner of a previously registered Golf Cart or Low-Speed Vehicle must re-register the vehicle within 15 business days of new ownership by paying the full registration fee and following the steps outlined above to continue to operate the Golf Cart or Low-Speed Vehicle on city streets.
- (6) The City shall provide registrant with a map of the areas where Golf Carts or Low-Speed Vehicles are permitted to operate at the time of registration.
- (7) The registration process will be conducted by the City Clerk's office during normal business hours.
- (8) Institutional Golf Carts and Low-Speed Vehicles, such as those belonging to public entities, hospitals, educational organizations, or other institutions deemed appropriate by the Governing authorities, may be exempt from registration requirements.

SECTION 3: Operations.

- (1) Registered Golf Carts and Low-Speed Vehicles may be operated on public roads and streets in the city except those that are MDOT Highways or those that have an established speed limit of greater than 30 miles per hour.
- (2) Additional roads and streets where the operation of Golf Carts and Low-Speed Vehicles are prohibited will be determined by the City of Hattiesburg Traffic Committee. Determinations will be made based on the average daily traffic count, recommendations by Governing authorities and public safety stakeholders, road or street design, and additional determining factors as deemed necessary.
- (3) Registered Golf Carts or Low-Speed Vehicles may cross those streets that are not authorized for travel, but the shortest traveling distance to do so shall be required. Crossing is allowed only at an established traffic signal crossing or designated stop sign.
- (4) Drivers are required to operate Golf Carts and Low-Speed Vehicles only in the outside lane of multilane streets and roads, where applicable.
- (5) Drivers shall abide by all additional regulations when operating a Golf Cart or Low-Speed Vehicle in areas subject to additional governing policies, which may include registration with the governing

entity. These areas may include university and college campuses and public trails including the Longleaf Trace.

- (6) Any person operating a Golf Cart or Low-Speed Vehicle on public roads and streets under this Ordinance must have in their possession a valid driver's license or temporary driver's permit and proof of financial responsibility, as required under Miss. Code Ann. §63-15-1 *et seq.*
- (7) Operation of Golf Carts and Low-Speed Vehicles is subject to all applicable laws of the State of Mississippi and the City related to traffic and parking, along with corresponding penalties, not specifically addressed herein.
- (8) The use of Golf Carts and Low-Speed Vehicles is not permitted within the barricaded confines of any festival, event, or road closure where typical vehicular traffic is prohibited.

SECTION 4: Penalties.

- (1) Operation of Golf Carts and Low-Speed Vehicles is subject to all applicable laws of the State of Mississippi and the City related to traffic and parking, along with corresponding penalties, not specifically addressed herein.
- (2) The registration decal may be revoked by the City for violations of this ordinance.

SECTION 5: Severability.

- (1) The provisions of this Ordinance are severable and should any such provision be declared unconstitutional or unenforceable, such declaration shall not affect any of the remaining provisions.

SECTION 6: Effective Date.

- (1) The Ordinance shall take effect upon 30 days following its adoption with publication in the city newspaper.

SECTION 7: Liability Disclaimer.

- (1) This ordinance is adopted to address the interest of public safety. Golf Carts and Low-Speed Vehicles are not designed or manufactured to be used on public roads and streets. The City of Hattiesburg, by regulating the operation of Golf Carts and Low-Speed Vehicles, is addressing obvious safety issues, and adoption of this ordinance is not to be relied upon as a determination that operation on public roads and streets is safe and/or advisable if done in accordance with this ordinance. Persons who operate or ride upon Golf Carts and Low-Speed Vehicles on public roads and streets do so at their own risk and peril and must be observant and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. Neither the City of Hattiesburg, nor any officer or employee thereof shall be responsible for any damages caused by the operation of a Golf Cart or Low-Speed Vehicle on any public street, or within public right of way. The City of Hattiesburg has no liability under any theory of liability and the City of Hattiesburg assumes no liability for permitting Golf Carts and Low-Speed Vehicles on any public roads and streets under this ordinance or the Laws of the State of Mississippi.

The foregoing Ordinance having been reduced to writing, the same was introduced by Councilmember _____, seconded by Councilmember _____, and was adopted by the following vote to-wit:

YEAS:

NAYS:

THE President thereby declared the motion carried and the foregoing Ordinance adopted and approved, this the _____ day of _____ A.D., 2022.

(SEAL)

ATTEST:

ADOPTED:

CLERK OF COUNCIL

PRESIDENT

THE above foregoing Ordinance having been submitted to and approved by the Mayor, this the _____ day of _____, A.D., 2022.

ATTEST:

APPROVED:

CITY CLERK

MAYOR