

ORDINANCE NO. 2023- 01

AN ORDINANCE PERTAINING TO THE USE AND REGULATION OF GOLF CARTS AND LOW-SPEED VEHICLES AND FOR RELATED PURPOSES

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

WHEREAS, the Mayor and the Board of Aldermen of the City of Eupora find that this ordinance is not inconsistent with the provisions of the Constitution and laws of the State of Mississippi and the United States; and

WHEREAS, Senate Bill 2605, approved by the 2021 Mississippi Legislature and signed by the Governor, specifically authorizes Eupora to allow the operation of Golf Carts and Low-Speed Vehicles on certain public roads and streets, to require individuals operating a Golf Cart or Low-Speed Vehicle to have a valid driver's license or temporary driver's permit and proof of financial responsibility, and to require registration of Golf Carts and Low-Speed Vehicles; and

WHEREAS, currently there are no City of Eupora regulations or guidelines regarding the operation of Golf Carts and Low-Speed Vehicles authorizing such use; and

WHEREAS, the City of Eupora seeks to provide this means of transportation as an option for designated areas of public streets allowing increased access to alternative transportation and to promote equitable and accessible systems of transportation; and

WHEREAS, the Mayor and Board of Aldermen find it is in the public's interest to establish policies and procedures in accordance with the authorization as approved and required by the Governor and the Mississippi Legislature as follows:

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF EUPORA, MISSISSIPPI:

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 (25) 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" 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 actually driving or operating a Golf Cart or Low Speed Vehicle at any given time.

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 of Eupora shall be required to be registered in the City's Clerk's office. Upon payment of a reasonable registration fee, as determined by the Eupora Board of Aldermen and attached as Exhibit A, and charged by the City to cover the costs of administration, presentation of proof of financial responsibility, 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 Eupora City Clerk that must be displayed on the left rear fender of the vehicle. The registration fee imposed under this section shall be retained by the City Clerk and deposited into the municipal general fund. 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.

(2) The registration shall remain valid for as long as the registering owner owns the Golf Cart or Low-Speed Vehicle. A new owner of a previously registered Golf Cart or Low-Speed Vehicle must re-register the vehicle within 10 days of new ownership by paying the full registration fee and following the steps outlined above in order to continue to operate the Golf Cart or Low Speed Vehicle on City streets.

(3) The City shall provide a registrant with a map of the areas where Golf Carts or Low Speed Vehicles may be operated at the time of registration.

SECTION 3: Operations

(1) Golf Carts and Low-Speed Vehicles may be operated on public roads and streets in the City of Eupora except those streets that are MDOT Highways and those that have an established speed limit of greater than 35 MPH. Approved Golf carts and Low-Speed Vehicles may cross those streets that are not authorized for travel but the shortest traveling distance to do so shall be required. Drivers are required to operate Golf Carts and Low-Speed Vehicles only in the outside lane of multilane streets and roads, where applicable.

(2) Any person operating a Golf Cart or Low-Speed Vehicle on the public roads and streets under this Ordinance 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 Miss. Code Ann. §63-15-1 et seq. and obey City traffic laws.

(3) Every golf cart or low-speed vehicle shall be equipped with the following: headlamps, front and rear turn signal lamps, taillamps, stop lamps, reflex reflectors, an exterior mirror mounted on the driver's side and either an exterior mirror mounted on the passenger's side or an interior mirror, a parking brake, windshield, safety belts, horn.

(4) 4 wheelers, side-by-sides, and other low speed vehicles that do not conform to the requirements of this ordinance are not permitted.

SECTION 4. Penalties

The registrant will be subject to the fines and penalties under the traffic laws of the City of Eupora and the State of Mississippi. In addition, the registrant may be subject to the revocation of the registration decal.

SECTION 5. Severability.

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.

This Ordinance shall take effect upon 30 days following its adoption with publication in the official City newspaper.

MAYOR
Blake McMullan
ATTORNEY
Joey Hood
CITY CLERK
Gail Newton
POLICE CHIEF
Lawrence Caradine

CITY OF EUPORA

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BOARD OF ALDERMAN
Gerald Gary
Robert Gibbs
Ricky Newton
James Shaw
William Tabb

SECTION 6. Effective Date.

This Ordinance shall take effect upon 30 days following its adoption with publication in the official City newspaper.

PASSED by the governing body of the City of Eupora, Mississippi, this 20th day of March, 2023, by the following vote:

Alderman Gerald Gary	<u>Aye</u>
Alderman James Shaw	<u>Aye</u>
Alderman Billy Tabb	<u>Aye</u>
Alderman Ricky Newton	<u>Aye</u>
Aldermen Robert Gibbs	<u>Absent</u>

Blake McMullan, Mayor

ATTEST:

Gail Newton, City Clerk