

AN ORDINANCE PERMITTING AND REGULATING LOW SPEED VEHICLES (GOLF CARTS) ON CERTAIN PUBLIC STREETS

ORDINANCE 908-2022

WHEREAS, the Mayor and City Council of the City of Helena, Alabama want to provide alternative transportation methods to the residents of the City of Helena,

WHEREAS, State of Alabama Act 2022-18 allowed for Local Amendment 1 to be placed on the November 8, 2022 General Election ballot in Shelby County,

WHEREAS, Local Amendment 1 stated, Relating to Shelby County, proposing an amendment to the Constitution of Alabama of 1901, to authorize the Shelby County Commission and municipalities within the county to authorize and regulate the use of low speed vehicles, including certain golf carts, on certain public roads,

WHEREAS, Shelby County residents voted in favor of Local Amendment 1 by 43,839 for to 18,698 against,

WHEREAS, the Code of the City of Helena, Alabama is to be amended to permit and regulate the operation of Low Speed Vehicles including certain Golf Carts on certain public streets within the City Of Helena,

WHEREAS, In enacting this Section of the Code, 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 Helena in no way advocates or endorses the operation of golf carts on public streets. The City understands that residents within residential 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. In designating public streets on which golf carts may be legally operated, the Law 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 Helena 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.

BE IT ORDAINED, by the Mayor and City Council of the City of Helena, Alabama as follows:

Section 1. Generally

The City of Helena wants to allow alternative modes of transportation on certain city owned streets within the corporate limits. Having uniform and centralized guidelines for low speed vehicles and certain golf carts will only benefit the residents of Helena by providing easy understanding of the guidelines.

Section 2. Authorization

This Ordinance is enacted pursuant to the City's general police power, its general power to raise revenues, its authority to regulate land use and development, and under the authority granted to it under Code of Alabama, Sections 45-2-243.80, et seq. The approved Act 2022-18 amending the Constitution of Alabama of 1901.

Section 3. Definitions

When used in this Ordinance, the following words, terms, phrases, and their derivations, shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

Approved (Registered) Cart – Any low speed vehicle or golf cart that is registered with the City of Helena, irrelevant of tagged or not tagged.

Cart - A low speed vehicle or golf cart equipped with approved safety features in accordance of this ordinance and/or any subsequent amendments or ordinances.

City – The City of Helena, Alabama.

City Limits – Any area within the corporate limits of Helena.

Designated Cart Street – A city owned public street within the corporate limits of the City of Helena, Alabama designated for the use of a cart.

Indemnity/Hold Harmless Agreement - Contractual agreement between two parties allowing exemption from liability for damages.

Municipal Service Vehicle - A City operated State Tagged Cart or other City operated motorized equipment or vehicle when in service for the provision of public safety or maintenance services.

Registration Form – Form document provided by the City of Helena documenting the low speed vehicle or golf cart allowed for travel on cart streets.

State Tagged Cart - 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.

Section 4. Rules and Regulations

Carts or State Tagged Cart that 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 Helena that is not a Designated Cart Street and may be operated only on Designated Cart Streets in accordance with the following rules and regulations on which the posted legal speed limit is greater than 30 miles per hour for more than fifty (50) yards with purpose being to cross an intersection and/or over railroad tracks.

- 4.1. No person who does not possess a valid Alabama driver or motorcycle license, and has obtained the age of fourteen (14) may operate a Cart on a designated Cart Street.
- 4.2. Carts may be operated on Designated Cart Streets only between the hours between sunrise and no later than 12:00 a.m. The headlights on the Cart shall be illuminated at all times when it is in operation on Designated Cart Streets regardless of the time of operation.
- 4.3. Any person who operates a Cart on the Designated Cart Streets 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.
- 4.4. Cart drivers must yield to the right-of-way to overtaking vehicles at all times.
- 4.5. 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.
- 4.6. No child under the age of three (3) shall be transported in a Cart on any public street in the lap of driver of the Cart.
- 4.7. No Cart shall be operated on any public sidewalk or bike path.
- 4.8. Carts may be allowed on trails only if under a speed of 10 mph and must yield to the right-of-way to all users of a trail not in a Cart.
- 4.9. 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.
- 4.10. No cart may be operated on a Designated Cart Street without a valid annual permit sticker issued by the Helena Police Department to the owner of the Cart attached. A yearly fee of forty-eight dollars (\$48.00) per Cart will be charged

for this permit sticker on the basis of each calendar year or prorated portion thereof. Each Cart must be inspected before a de novo permit is issued and no permit shall be issued for any Cart that does not meet the equipment and condition requirements of this Ordinance. No permit shall be issued for any Cart without proof 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 for the operation of the Cart shall be the same as required by the State of Alabama for the operation of a motor vehicle.

- 4.11. Registration of a Cart is not transferable to a new owner of Cart
- 4.12. Annual renewal of Cart by same ownership shall require new annual permit sticker but not an inspection.
- 4.13. Indemnity agreement shall be signed by Cart owner with both de novo and renewal Cart registration.
- 4.14. Carts shall include the following safety features to be eligible for registration:
 - 4.14.1. Cart roof
 - 4.14.2. Seatbelts (lap or shoulder)
 - 4.14.3. Head lights
 - 4.14.4. Back lights
 - 4.14.5. Brake lights
 - 4.14.6. Windshield
 - 4.14.7. Rearview Mirror
 - 4.14.8. Operable brakes
 - 4.14.9. Steering wheel
 - 4.14.10. Tires (good condition)
 - 4.14.11. Front and rear red reflectors
 - 4.14.12. Slow Moving Vehicle 14"x16" reflective triangle sign mounted to back of cart

Section 5. Violations

The following shall constitute violations of this Section:

- 5.1. The operation of a Cart on any public street, road, or highway within the corporate limits or police jurisdiction of the City of Helena that is not a Designated Cart Street.
- 5.2. The operation of a Cart on a Designated Cart Street in violation of any the rules or regulations set out in subsection (4) above.
- 5.3. 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 or police jurisdiction of the City of Helena.

- 5.4. The operation of a Cart or 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 Helena on which the posted legal speed limit is greater than 30 miles per hour for more than (50) yards in order to cross an intersection and/or railroad tracks.

The unauthorized operation of a golf cart, Cart, or State Tagged Cart on any public street, road, or highway; a municipal street or public road 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 one hundred dollars (\$100.00) for non-traffic violation or fee associated in a traffic violation. 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, of 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.

Section 6. Restricted Roadways

All roadways that are not owned and maintained by the City of Helena are restricted from Cart use except for crossing including but not limited to the following roadways:

- 6.1. Alabama State Highway 261 (Helena Road)
- 6.2. Jefferson County Road 2 (South Shades Crest Road)
- 6.3. Shelby County Road 1
- 6.4. Shelby County Road 13
- 6.5. Shelby County Road 17
- 6.6. Shelby County Road 52 (Helena Parkway)
- 6.7. Shelby County Road 58
- 6.8. Shelby County Road 91 (Coalmont Road)
- 6.9. Shelby County Road 93
- 6.10. Shelby County Road 95
- 6.11. Shelby County Road 269 (South Shades Crest Road)
- 6.12. Shelby County Road 270

Section 7. Severability

If any portion or provision of this Ordinance, or its application to any person or circumstance, shall be declared unconstitutional or otherwise declared void, or invalid for any reason, or should any portion be pre-empted by State or Federal law or regulation, such portion or provision shall be deemed severed, and any such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Effective Date

This Ordinance shall become effective January 1, 2023 upon its adoption and publication as required by law.

DRAFT

Ordinance Number 908-2022

APPROVED AND ADOPTED THIS 28th DAY OF November, 2022.

[SEAL]

J. Brian Puckett, Mayor

Chris VanCleave, Council Member

Alice Lobell, Council President

ATTEST:

Laura Joseph, Council Member

Amanda C. Traywick, City Clerk

Harold Woodman, Council Member

**STATE OF ALABAMA
SHELBY COUNTY**

I, Amanda C. Traywick, City Clerk of the City of Helena, do hereby certify that the above is a true correct copy of Ordinance Number 908-2022 duly adopted by the Council of the City of Helena at its meeting held 28th day of November 2022, and as same appears of record in the ordinance records of said City, and approved by the Mayor and City Council on 28th day of November 2022.

Given under my hand and corporate seal of the City of Helena, this the 28th day of November 2022.

[SEAL]

Amanda C. Traywick, City Clerk

CERTIFICATION

I, Amanda C. Traywick, the duly appointed and acting Clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance Number 908-2022 is a true copy as recited in the said City Clerk's Minute Book and posted by me as provided by law in three public places in said City, being on the bulletin board of the City Hall, on our website www.cityofhelena.org, and in the Helena Public Library in said City, that said Ordinance shall become a duly lawful Ordinance of said City on the 28th day of November 2022, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 28th day of November 2022.

[SEAL]

Amanda C. Traywick, City Clerk