Ordinance 714-25

Ordinance amending Ordinance 661-22

Operation of low-speed vehicles on certain public streets permitted and regulated.

SECTION 1.

Policy statement. This section is enacted pursuant to the authority of the Alabama Constitutional Amendment adopted pursuant to Act No. 2016-271. In enacting this section, the town council confirms its view that golf carts are not designed or manufactured to be suitable for use on public streets and roads, and the Town of Summerdale in no way advocates or endorses the operation of golf carts on public streets. The Town understands that residents within the community desires to have the option to operate their golf carts on a limited basis within the Town in order to access amenities and have secured the adoption of Act No. 2016-271 to allow the enactment of ordinances permitting such operation in Baldwin County subject to the terms of the act and to such other restrictions the town may impose as authorized by the act. In designating public streets on which low-speed vehicles may be legally operated, the act requires the town to determine that low-speed vehicles 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 low-speed vehicles may safely travel is not a determination or representation by the town that operation of low-speed vehicles on such streets is in fact safe or advisable even if done in accordance with this section due to the limited drive characteristics and safety features of low-speed vehicles. All operators of low-speed vehicles must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. All operators or passengers of low-speed vehicles on public streets inside the Town of Summerdale do so at their own risk and peril, and no permit for the operation of a low-speed vehicle on the public streets shall be issued except upon execution by the owner of the low-speed vehicle of a written undertaking to indemnify and hold the town, its officials, officers, agents, and employees harmless from any and all liability of any kind or character directly or indirectly associated with such operation.

SECTION 2

Definitions. As used in this section, the following terms shall have the following meanings:

Low speed vehicle means a golf cart, a Multi-Use Light Equipment vehicle, or a Utility Task Vehicle that is equipped with, head lights, brake lights, turn signals, a windshield, an exterior mirror mounted on the driver's side of the vehicle, a rear-view mirror, efficient brakes, reliable steering apparatus, safe tires, red reflectorized warning devices on both the front and rear, equipped with seatbelts, with a minimum threshold of 20 MPH and top speed of 25 MPH, however any state tagged low speed vehicle or municipal service vehicle are exempt.

Low speed vehicle street means the public streets within the corporate limits of the Town of Summerdale, Alabama designated under this section for the use of low-speed vehicles, to be marked with appropriate signage advising that the street may be utilized by low-speed vehicles:

All streets within the Town of Summerdale excluding the following:

State Highway 59

Co Rd 32

Co Rd 36

Baldwin Beach Express

By resolution of the council adopted from time to time subsequent to the enactment of this section, the list of designated low-speed vehicle streets may be amended by the addition of other streets or the deletion of streets previously listed, provided, however, no street on which the speed limit is greater than thirty-five (35) miles per hour shall be designated as a designated low-speed vehicle street.

State tagged low-speed vehicle means a low-speed vehicle, 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.

Municipal service vehicle means a town operated state tagged low-speed vehicle or other town operated motorized equipment or vehicle when in service for the provision of public safety or public maintenance services.

SECTION 3

Rules and regulations. Low-speed vehicles may not be operated on any public street, road, or highway within the corporate limits of the Town of Summerdale that is not a designated low-speed vehicle street and may be operated only on designated low-speed vehicle streets in accordance with the following rules and regulations. A state tagged low-speed vehicle that is not a municipal service vehicle may not be operated on any public street, road, or highway within the corporate limits of the Town of Summerdale on which the posted legal speed limit is greater than forty-five (45) miles per hour.

(1) No person who is not a driver licensed by the State of Alabama or, in the case of a nonresident, by his or her home state or country or who is less than sixteen (16) years of age may operate a low-speed vehicle on a designated low-speed vehicle street.

(2) Low-speed vehicles may be operated on designated low-speed vehicle streets only between the hours between sunrise and no later than 10:00 p.m. The headlights on the low-speed vehicle shall be illuminated at all times when it is in operation on designated low-speed vehicle streets regardless of the time of operation.

(3) Any person who operates a low-speed vehicle on the designated low-speed vehicle 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 low-speed vehicle may not overtake and pass in the same lane occupied by the vehicle being overtaken. A low-speed vehicle may not be operated between lanes of traffic or between adjacent lines or rows of vehicles, and low-speed vehicles may not be operated two (2) or more abreast in a single lane.

(4) Low-speed vehicle drivers must yield the right-of-way to overtaking vehicles at all times.

(5) The maximum occupancy of a low-speed vehicle shall be the number of occupants for which the low-speed vehicle has approved.

(6) No low-speed vehicle shall be operated on any public sidewalk or bike path.

(7) No low-speed vehicle shall be parked in a designated handicapped parking space unless the driver or at least one (1) passenger has a valid handicapped parking permit that is displayed on the low-speed vehicle.

(8) No low-speed vehicle may be operated on a designated low-speed vehicle street without a valid permit sticker issued by the Summerdale Police Department to the owner of the low-speed vehicle attached. The fee of twenty-five dollars ($25.00) per low-speed vehicle will be charged for this permit sticker, which will be valid for three (3) years. Each low-speed vehicle must be inspected prior to the initial or renewal of the three-year permit before a permit is issued and no permit shall be issued for any low-speed vehicle that does not meet the equipment and condition requirements of this section. No permit shall be issued for any low-speed vehicle without proof that any person who may operate the low-speed vehicle on a public street is covered by a policy of liability insurance held by the owner of the low-speed vehicle. The required minimum liability limits for the operation of the low-speed vehicle shall be the same as required by the State of Alabama for operation of a motor vehicle.

(d) Violations. The following shall constitute violations of this section:

(1) The operation of a low-speed vehicle on any public street, road, or highway within the corporate limits or police jurisdiction of the Town of Summerdale that is not a designated low-speed vehicle street.

(2) The operation of a low-speed vehicle on a designated low-speed vehicle street in violation of any of the rules or regulations set out in subsection (c) above.

(3) The operation of a low-speed vehicle that is not a low-speed vehicle with a valid permit sticker on any public street, road, or highway within the corporate limits or police jurisdiction of the Town of Summerdale.

(4) The operation of a state tagged low-speed vehicle that is not a municipal service vehicle on any public street, road, or highway within the corporate limits of the Town of Summerdale on which the posted legal speed limit is greater than thirty-five (35) miles per hour.

The unauthorized operation of a low-speed vehicle, low-speed vehicle, or state tagged low-speed vehicle on any public street, road, or highway in violation of this section shall be a violation for which the town may assess and collect a civil penalty from the owner in the amount of fifty dollars ($50.00). 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 town council, the low-speed vehicle permit sticker issued to a low-speed vehicle operated in violation of this section may be revoked by the chief of police.

SECTION 4

This section is supplementary to federal and state regulation. The provisions of this section shall be interpreted as supplementary to all other municipal, state, and federal laws and regulations now or hereafter in force, and compliance with this section does not relieve an individual from the requirement of compliance with all other applicable municipal, state, and federal laws and regulations, if any.

SECTION 5.

This Ordinance shall become effective upon due passage and publication as required by law.

Adopted this 9thth day of June, 2025

Mayor

Attest:

Town Clerk