

ORDINANCE NO. 2022-06-21

CITY OF POPLARVILLE, MISSISSIPPI

**AN ORDINANCE OF THE CITY OF POPLARVILLE, MISSISSIPPI, AMENDING
ORDINANCE NO. 2021-05-04 ALLOWING FOR THE OPERATION OF GOLF CARTS
AND LOW-SPEED VEHICLES ON CERTAIN PUBLIC ROADS AND STREETS
WITHIN THE CITY IN ORDER TO RENUMBER CODE SECTIONS, ADD
DEFINITIONS, AND TO ADJUST HOURS, LOCATIONS AND CONDITIONS OF
OPERATION.**

WHEREAS, the City of Poplarville desires to pass an ordinance to amend Ordinance No. 2021-05-04 for the regulation the lawful operation of Golf Carts and Low-speed Vehicles, on certain public roads and streets within the corporate limits; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF POPLARVILLE AS FOLLOWS:**

Chapter 44, Article II – Traffic Control

Secs. 44-28 – 44-49. Reserved

Chapter 44, Article III – Golf Carts and Low-Speed Vehicles

Sec. 44-50. 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 Poplarville, 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 Federal Statute 49 CFR Section 571.500. Refer to Federal Statute 49 CFR Section 571.500 for specific

requirements. Each Golf Cart shall also be equipped with illumination and/or reflective material on the right and left sides of the vehicle as to increase visibility of the vehicle at night.

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. Each Low-speed Vehicle shall also be equipped with illumination and/or reflective material on the right and left sides of the vehicle as to increase visibility of the vehicle at night.

Reflective Triangle means a reflective “slow moving vehicle” sign that is mounted to the rear of the Golf Cart or Low-speed Vehicle and is clearly visible at all times. The Reflective Triangle must be a minimum of 12 inches by 12 inches.

Financial Responsibility means liability insurance coverage (proof of financial responsibility) on a Golf Cart or Low-speed Vehicle in an amount not less than required by state law for motor vehicles operated on public highways in the state.

Driver’s License means a valid license issued to operate a motor vehicle issued by the state or any other state, including a temporary learner’s permit. The same limitations imposed upon a driver with a temporary learner’s permit for motor vehicles operated on public highways in the state shall apply for those operating a Golf Cart or Low-speed Vehicle.

Sec. 44-51. Areas of the City of Poplarville and hours when and where Golf Carts and Low-speed Vehicles may be operated; requirements for drivers of Golf Carts and Low-speed Vehicles; operation of Golf Carts and Low-speed Vehicles; and violation of traffic laws.

- (1) Golf Carts and Low-speed Vehicles may only be operated on public roads and streets

with a speed limit of twenty-five (25) miles per hour or less, nor travel across any public road or street on which such operation is determined by the mayor and board of aldermen to be otherwise unsafe. The determination of any public road or street to be otherwise unsafe shall be by a majority board vote and recorded on the minutes. The city may also adopt a map of the area where Golf Carts and Low-speed Vehicles may be operated.

- (2) Golf Carts and Low-speed Vehicles shall not be operated in school zones for the period of one hour before and one hour after school commences and one hour before and one hour after school releases. Golf Carts and Low-speed Vehicles shall not be operated on Main Street from the intersection of West Larkin I Smith Drive and North Main Street to the intersection of West Church Street and South Main Street during the week on Monday through Friday between the hours of 5:00 a.m. and 5:00 p.m. Only crossings of Main Street during these hours shall be permitted.
- (3) Drivers are required to operate Golf Carts and Low-speed Vehicles only in the right most lane of multi-lane streets and roads when applicable. Golf Carts and Low-speed Vehicles shall not be operated on sidewalks.
- (4) Any person operating a Golf Cart or Low-speed Vehicle on City public roads and streets must have in his or her possession a valid driver's license from Mississippi or any other state, proof of insurance as per Section 63-15-1, Mississippi Code of 1972, as amended, and must also follow the applicable requirements of Section 63-15-1, *et seq.*, Mississippi Code of 1972, as amended.
- (5) Golf Carts and Low-speed Vehicles are considered motor vehicles and all traffic laws

and fines apply including offenses for DUI and reckless driving. All safety equipment must be properly maintained or traffic tickets may apply. Violation of state or local traffic laws and/or regulations of this Ordinance may result in issuance of traffic citations in the same manner as if the infraction occurred while operating a motor vehicle. Violation of any section of this Ordinance shall be punished by a fine not exceeding \$1000.00 or imprisonment for a term not exceeding ninety (90) days and the cost of prosecution or both such fine and imprisonment, in the discretion of the municipal judge. Each and any violation of any provision of this section shall constitute a separate offense.

- (6) Golf Carts or Low-speed Vehicles may only be parked in the same manner and at the same place designated for parking of motor vehicles or in parking spaces specifically dedicated for Golf Carts or Low-speed Vehicles.

Sec. 44.52. Highway Intersections Which Allow for the Crossing of Golf Carts or Low-speed Vehicles.

Golf Carts and Low-speed Vehicles shall not be operated on U.S. Highway 11, Mississippi Highway 53, or Mississippi Highway 26. The following are the ONLY intersections that Golf Carts and Low-speed Vehicles will be allowed to cross over the aforementioned Highways:

- a) Intersection at Highway 11 and West North St
- b) Intersection at Highway 26 and S. Allen St.
- c) Intersection at Highway 53 and W. Dove St/Maple St

Sec. 44-53. Registration of Golf Carts and Low-speed Vehicles with the City of

Poplarville.

- a) The owner of every Golf Cart or Low-speed Vehicle to be operated on a public road or street shall be required to register the vehicle with the City of Poplarville. A Golf Cart and Low-speed Vehicle Registration Form shall be provided for each vehicle being registered.
- b) The owner of every Golf Cart or Low-speed Vehicle to be operated on a public road or street shall sign an acknowledgement that he or she has read and understands the provisions of this Ordinance and certifies that the Golf Cart or Low-speed Vehicle is in compliance with all requirements of this Ordinance.
- c) A registration fee indicated in the City Fee Schedule for each Golf Cart or Low-speed Vehicle shall be payable at the time of registration. The registration shall remain valid for a period set by the board of aldermen. The City reserves the right and may from time to time modify or alter the registration fee. Any change in the registration fee shall be validated by a majority board vote and recorded on the minutes. No amendment to the ordinance is necessary to modify or alter the registration amount.
- d) The City will issue the Owner of each Golf Cart or Low-speed Vehicle a Decal, which shall be displayed in the center of the Reflective Triangle located on the rear of the Golf Cart or Low-speed Vehicle. The Reflective Triangle and Decal must remain visible at all times.
- e) The decal is non-transferrable meaning upon sale or transfer of the Golf Cart or Low-speed Vehicle, 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.

- f) Operating a Golf Cart or Low-speed Vehicle without a decal, an expired decal or a decal registered to another owner or vehicle shall constitute a violation of this Ordinance and subject the Owner to a fine of not less than \$100.00 per occurrence.
- g) The City may refuse to register and issue a permit for the operation of a Golf Cart or Low-speed Vehicle, or may revoke a previously issued permit, if the registered Golf Cart or Low-speed Vehicle and/or the Owner of the Golf Cart or Low-speed Vehicle is involved in three or more violations of this Ordinance within a one-year period. Said revocation and/or denial of a permit shall be effective for one calendar year.
- h) The City may issue a single day permit to Golf Cart and Low-speed Vehicle owners as long as all registration and safety requirements of this ordinance are met. A temporary registration fee indicated in the City Fee Schedule shall be payable at the time of registration. The receipt of such payment shall serve as said temporary permit.
- i) The registration fees imposed under this section shall be deposited into the municipal general fund.
- j) The use of Golf Carts and Low-speed Vehicles is not permitted within the barricaded confines of any festival or event with the exception of festival/event officials, City officials and emergency personnel. Golf Carts and Low-speed Vehicles used during festivals/events must still meet the safety requirements of this Ordinance.
- k) The exhaust system of every registered vehicle which is powered by a combustible engine shall be maintained in proper working condition. It is unlawful for any Golf Cart or Low-speed Vehicle to be operated on any city street, on which any device installed thereon by the manufacturer for the purpose of controlling exhaust emissions, to be removed or altered so as to interfere with its normal operation.

Sec. 44-54. LIABILITY DISCLAIMER

a) This Ordinance is adopted to address the interest of public safety. Golf Carts and/or Low-speed Vehicles are not designed or manufactured to be used on public roads and streets. The City, 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 determination that operation on public roads and streets is safe and/or advisable if done in accordance with this Ordinance. All persons who operate or ride upon Golf Carts or Low-speed Vehicles on public roads or streets do so at their own risk and peril, and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. Neither the City nor any officer or employee thereof shall be held 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 has no liability under any theory of liability and the City assumes no liability for permitting Golf Carts and/or Low-speed Vehicles to be operated on the public roads and streets under this Ordinance or the laws of the State of Mississippi.

Sec. 44.55. This ordinance shall become effective as provided by law.

Sec. 44.56. Any and all ordinances or parts thereof in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

Sec. 44.57. It is hereby declared to be the intention of the Board of Aldermen that the actions, paragraphs, clauses and phrases of this ordinance, when adopted, are severable, and if any sections, paragraphs, clauses, sentences or provisions of this ordinance as adopted shall be

declared unconstitutional or invalid, same shall not affect any of the remaining sections, paragraphs, clauses and phrases of this ordinance.

Sec. 44.58. That upon adoption, the City Clerk shall cause this Ordinance to be recorded in the Book of Ordinances of the City and published in the manner prescribed by law.

Sec. 44.59. The provisions of this Ordinance may be included and incorporated in the Code of Ordinances of the City, as an addition thereto, and appropriately renumbered to conform to the uniform numbering system of the Code.

This Ordinance shall be effective thirty (30) days after its adoption and publication as required by law, and shall remain in full force and effect until repealed by a majority vote of the Board of Aldermen.

The above and foregoing Ordinance having been first introduced in writing, was read and passed section by section, and then as a whole. Upon the question having been called for, the result of a roll call was as follows:

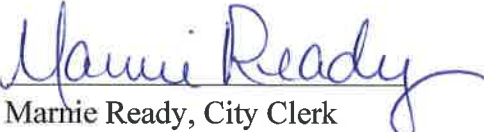
Alderman Bobby Nestle	Aye
Alderman Byron Wells	Aye
Alderman Anne Smith	Aye
Alderman Kevin Tillman	Aye
Alderman Daniel Brown	Aye

The Ordinance having received the affirmative vote of a majority of the members of the Board of Aldermen of the City of Poplarville, Mississippi, the Mayor declared said Ordinance to have been duly adopted.

SO ORDAINED, APPROVED AND ADOPTED, this the 21st day of June, A.D., 2022.

Attest:


Louise Smith, Mayor


Marnie Ready, City Clerk