

**ORDINANCE NO. 2024-1487**

**AN ORDINANCE AMENDING CHAPTER 70, ARTICLE VIII OF THE  
CODE OF ORDINANCES FOR THE CITY OF ORANGE BEACH, ALABAMA,  
ENTITLED "GOLF CARTS"**

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**FINDINGS:**

1. The City Council of the City of Orange Beach adopted Ordinance No. 2021-1398 pursuant to powers granted to Baldwin County municipalities by Ala. Const. §2-9.00.
2. In recent years, the frequency with which residents and visitors utilize golf carts to travel within city limits has increased significantly and has subsequently created an increase in the need to regulate and supervise the operation of golf carts within the city.
3. The City Council determined that as golf cart travel has become increasingly popular, it was necessary to receive recommendations for amending Chapter 70, Article VIII of the Code from various Departments who play an intricate part in the assessment and policing of golf cart owners and operators.
4. In order to protect the health, safety and general welfare and to promote the common public enjoyment of the city, it is necessary to amend current regulations for the operation of golf carts within the city.
5. The City Council of the City of Orange Beach has determined that these amendments are in the best interest of the City of Orange Beach and its citizens and visitors.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:**

1. That Chapter 70, Article VIII of the Code of Ordinances for the City of Orange Beach is hereby amended to read in its entirety as follows:

**Sec. 70-270. - Authority.**

This article is adopted pursuant to the general police powers granted Alabama municipalities, Code of Ala. 1975, § 11-45-1, and in accordance with Ala. Const. § 2-9.00 (hereinafter referred to as "§ 2-9.00").

**Sec. 70-271. - Administration and enforcement.**

- (a) The city's police chief or designee shall be responsible for the administration and enforcement of this article.
- (b) The police chief shall have authority to adopt policies and procedures to administer this article consistent with the purpose and intent of this article.
- (c) Such policies shall not have the effect of waiving the requirements of this article.

**Sec. 70-272. - Findings.**

- (a) Orange Beach is a resort island community that is a destination for thousands of visitors each year.
- (b) The island has but three arterial roads—State Highway 180, also known as Canal Road; State Highway 182, also known as Perdido Beach Boulevard; and State Highway 161, also known as Orange Beach Boulevard—all of which are multi-lane state highways with speed limits in excess of 40 miles per hour.

(c) Traditional golf carts (hereafter "carts") are not designed or manufactured for use on public highways and do not conform to the safety standards of conventional automotive vehicles.

(d) Carts are nonetheless popular and residents within the city desire to have the option to operate their golf carts on a limited basis in order to access certain amenities adjacent to their neighborhoods.

(e) Alabama law, specifically Ala. Const. § 2-9.00, allows cities in Baldwin County to designate streets on which golf carts may safely travel after considering several factors, including the speed, volume, and character of motor vehicle traffic using the street. Alabama law also allows the city to regulate businesses within the city, Code of Ala. 1975, § 11-51-90.

(f) The City Council determines that golf carts may safely travel on or across streets designated herein. The designation in this article of certain 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 under all conditions. The Council notes that owners must use due diligence and extreme caution in the operation of golf carts at all times.

(g) 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.

(h) All persons who operate or ride carts on public streets inside the city do so at their own risk and peril, and no permit for the operation of a cart on public streets shall be issued except upon execution by the owner of the 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.

Sec. 70-273. - Definitions.

As used in this Article, the following terms shall have the following meanings, without regard to capitalization.

*Cart or Golf Cart* means a four-wheeled, self-propelled vehicle used to transport persons or property, that is designed to operate at speeds no greater than 25 miles per hour. The term "cart" does not include off-road recreational vehicles or state tagged vehicles. This definition includes low-speed vehicles.

*Decal* means the sticker or placard issued by the City containing a valid permit number to be affixed to all permitted carts.

*Designated cart street* means the following public streets within the corporate limits of the city designated under this section for the use of carts. Cart streets shall be marked with appropriate signage advising that the street may be utilized by carts:

STREET NAME
1st St
2nd St
3rd St
4th St
Adams Ave
Alabama St
Anchor Ln
Andrews Ln
Antigua Dr
Armadillo Ave
Avenue C
Avenue D

STREET NAME
Garrett Ln
Georgia St
Greentree Ln
Gulf Ave
Gulf Rd
Harbor Rd
Hayden Dr
Hickory Ln
Hideaway St
Holder Rd
Holley Ln
Holly St

STREET NAME
Pelican Pl
Pensacola Ave
Perdido Ave
Perdido Gate Dr
Perdido Point Dr
Pine Blvd
Pine Cir
Pine Rd
Pine Way
Pinetree Ln
Pinewood Cir
Polaris St

Baldwin Ave
Barbados Dr
Barnes Ln
Barracuda St
Bay Cir
Bay Dr
Bay La Launch Ave
Bayland Dr
Bayou Dr
Bayou Rd
Bayou St John Ave
Bear Point Ave
Beaver Creek Ln
Bent Tree Cir
Black Bear Ln
Boat Basin Rd
Boat St
Bobcat Ln
Bonito Ave
Burkart Dr
Burkart Ln
Callaway Dr
Canal Square
Caribe Dr
Carleton Dr
Carney Dr
Carondelette Dr
Caswell Pl
Claudette Cir
Cobia Ave
Commerce Park Dr
Commercial Ave
Compass Ln
Cotton Bayou Dr
Cotton Bayou Ln
Cotton Way
Cove Dr
Coyote Ln
Cross Ln
Cypress St
Davis Dr
Dogwood Ln
Dowty Ln
East Beach Blvd
East Oakridge Dr
Easy St
Fleetwood Cir
Florida Ave

Illinoise St
Ivy Ln
Jackson Ave
Jefferson Ave
John Snook Dr
Jubilee Point Rd
Julio Courte Ln
Juniper St
Lake Rd
Lauder Ln
Lauder Pl
Lee Ave
Lexmark Ct
Lianna Ct
Long Ln
Look Rook Rd
Loop Rd
Louisiana St
Low Dr
Madison Ave
Magnolia Ave
Magnolia Cir
Magnolia Dr
Majestic Ct
Manor Cir
Martinique Ct
Martinique Dr
Mauldin Ln
Mini Ln
Mississippi Ave
Mobile Ave
Money Bayou Rd
Moses Rd
Nana Brown Ave
Nancy Ln
North Bayshore Dr
Oak Ave
Oak Cir
Oak Ridge Loop
Oak St
Orange Ave
Orion St
Ornacor Ave
Palmetto Dr
Park Cir
Park Dr
Park Ln
Parkway Rd

Pompano Dr
Raley Ln
Regal Oaks Dr
Regal Oaks Ln
Regatta Ln
Rollins Rd
Roman Vista Pl
Romeo Ln
Russell Dr
Safeharbor Dr
Sailfish Ln
Sampson Ave
Sandy Hill Cir
Seville Cir
Sheril Ln
Snapper St
South Bayshore Dr
Spinnaker Way
St. Lucia Dr
Starboard Ln
Suarez Dr
Surrey Ln
Sweetwater Dr
Tarpon Ln
Taylor Ave
Terry Cove Dr
Tiger Brown Ave
University Ln
Virginia St
Walker Ave
Walker Dr
Washington Ave
Washington Blvd
Webster Ln
West Oak Ridge Dr
West Perdido Ave
White Ave
William Silvers Pkwy
Wilson Blvd
Wolf Bay Ave
Wolf Bay Cir
Wolf Bay Ter
Wolfhead Ave
Woodglen Dr
Woodglen Trace
Yellowfin St

By resolution of the city council adopted from time to time subsequent to the enactment of this section, the list of designated cart 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 25 miles per hour shall be designated as a designated cart street.

*Department* means the Orange Beach Police Department.

*Multi-use path* means a pathway within the corporate limits of the city that has been designated by the city council as appropriate for multi-use.

*Driver's license* means a license to operate a motor vehicle (automobile) pursuant to Code of Ala. 1975, § 32-6-1.

*Multi-use cart path* means a path designated for use by pedestrians, bicyclists and carts.

*Municipal service vehicle* means a city-operated motorized vehicle or piece of equipment when in service for the provision of public safety or public maintenance services or other official City use.

*Off-road recreational vehicle* means vehicles intended to be used off-road, including, but not limited to, ATVs, 4-wheelers, UTVs and MUVs.

*Operate* means to drive or utilize a cart for transportation or any other purpose within the corporate limits of the city.

*Operator* means the person in control of the steering and propulsion of the cart at a given time.

*Owner* means a person holding legal title of golf cart as described herein.

*Permit* means authorization issued by the City of Orange Beach authorizing operation of a golf cart within the City, subject to the provisions of this Code.

*State tagged cart* means a golf cart, low speed vehicle, or neighborhood electric vehicle that is registered with and licensed by the State of Alabama under Code of Ala. 1975, tit. 32. State tagged carts are included in the definition of Golf Cart for purposes of this ordinance and are subject to regulations of this ordinance.

Sec. 70-274. - Permit required.

- (a) No person may operate a cart or allow a cart to be operated within the Corporate Limits of the City without a permit issued by the department. All carts operated within the City must be permitted whether operated for personal or commercial use.
- (b) To obtain a permit, the owner of the cart must make application to the department on such forms as may be required by the police chief and pay an inspection fee of \$100.00. Fees may be increased or decreased from time to time by resolution of the city council. Fees shall be non-transferable and non-refundable.
- (c) Permits shall expire every four calendar years beginning December 31, 2024.
- (d) Each cart shall be inspected by the department to ensure that it is equipped with head lights mounted no higher than 36 inches, brake lights, turn signals, a windshield, a rear-view mirror, brakes, and steering apparatus. No permit shall be issued for any cart that fails such inspection.
- (e) No permit shall be issued without proof 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 those required by the State of Alabama for operation of a motor vehicle.
- (f) Each permitted cart shall display the permit decal on each side of the cart with the issued expiration year sticker affixed to the lower right hand corner indicating the expiration date of the permit.

- (g) Permits may be denied based upon prior violations of this article. Denials may be appealed to the City Council upon written request filed with the City Clerk.

Sec. 70-275. - Operating rules and violations.

- (a) It shall be a violation of this article for any person to operate a cart within the Corporate Limits of the City of Orange Beach without a valid permit and decal as required by section 70-274.
- (b) It shall be a violation of this article for any person to operate a cart except in strict accordance with the following operating rules:
  - (1) The cart operator must have a valid drivers' license issued by a state or other governmental authority.
  - (2) The headlights on the cart shall be illuminated at all times when it is in operation regardless of the time of operation and shall not be illuminated above 36 inches.
  - (3) Operators 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.
  - (4) Operators may not overtake and pass in the same lane occupied by the vehicle being overtaken.
  - (5) A cart may not be operated between lanes of traffic or between adjacent lines or rows of vehicles.
  - (6) Carts may not be operated two or more abreast in a single lane.
  - (7) Cart drivers must yield the right-of-way to overtaking vehicles at all times.
  - (8) The maximum occupancy of a cart shall be limited to the number of occupants the cart is designed to seat. No cart shall be operated unless all occupants are seated.
  - (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.
- (c) It shall be a violation of this article to operate a cart on any sidewalk, street, road, or highway within the corporate limits or police jurisdiction of the city that is not a designated cart street.
- (d) It shall be a violation of this article to allow a minor not possessing a valid driver's license to operate a cart on any multi use path, sidewalk, street, road, or highway within the City.
- (e) It shall be a violation of this article to operate a cart in an unsafe or dangerous manner.

Sec. 70-276. - Penalties.

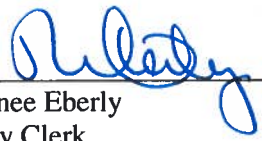
- (a) *Criminal penalty.* Any person committing a violation of this article shall, upon conviction, be punished by imposition of a fine of up to \$50.00.
- (b) *Suspension/revocation of cart privileges.* The police chief or his designee may suspend or revoke the permit of any cart that has been operated in violation of this article as evidenced by the sworn statement of a law enforcement officer, including but not limited to operation by an unlicensed driver. Suspension shall not exceed a period of 30 days per violation. A municipal court conviction shall not be required for proof of violation triggering suspension or revocation. The owner may appeal the decision to the city council by filing an appeal with the city clerk within ten days from the action suspending or revoking the permit. After receiving all relevant evidence pertaining to the suspension or revocation, the city council in its discretion may uphold or reverse the suspension or revocation of the permit. Revoked permits shall be ineligible for renewal or reinstatement for a period of 6 months.

Sec. 70-277. - Section supplementary to federal and state regulations.


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

2. That all ordinances or parts of Ordinances in conflict are, to the extent of such conflict, repealed; and
3. That this Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS 1<sup>ST</sup> DAY OF OCTOBER, 2024.

  
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Renee Eberly  
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing ORDINANCE 2024-1487 was posted on 10/03/2024 in the following three (3) public places:  
Orange Beach City Hall \_\_\_\_\_  
Orange Beach Post Office \_\_\_\_\_  
Orange Beach Public Library \_\_\_\_\_

  
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Renee Eberly, City Clerk

