

Ordinance 2021- 006
Regulating and Forbidding the Operation of All Types of All-Terrain Vehicles (ATVs), Golf
Carts and Low Speed Vehicles on Public Streets
Within the Town of Coosada and Police Jurisdiction (PJ)
BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF COOSADA,
ALABAMA.

Section 1: Forbidding the Operation of ATVs/Golf Carts on Public Streets.

(a) Policy Statement. The Town understands that residents desire to have the option to operate their Off-Road Utility Vehicles/Golf Carts on a limited basis within the city and have secured the adoption of Ordinance 2021- 006 to allow the enactment not to permit such operation in the Town of Coosada and its Police Jurisdiction subject to the terms of the Ordinance and to such other restrictions the Town may impose as unauthorized. In forbidding the use of ATVs/Golf Carts and Low Speed Vehicles on streets and roads within the Town Limits and PJ, declaring the operation of such vehicles described herein on streets and roads within the Town Limits to be declared illegal. All persons operating Golf Cart/Off-Road Utility Vehicles within the Town Limits of Coosada must do so only in be observant of this ordinance, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. All persons who operate or ride ATVs/Golf Carts and Low Speed Vehicles inside the Town of Coosada and PJ do so at their own risk and peril and is not authorized or sanctioned to do so and shall result in penalties under the law as set forth.

Section 2. Definitions

When used in this Ordinance, the following terms shall have the meanings herein ascribed to them:

Cart: A golf cart equipped with head lights, brake lights, efficient brakes, reliable apparatus, red reflective warning devices on both the front and rear, excepting, however any, State Tagged Cart or Municipal Services vehicle.

Off-Road Utility Vehicle (ATV): a motorized flotation-tire vehicle with not 2 less than four and not more than eight low-pressure tires or non-pneumatic tires, that has a seat designed to be straddled, bucket or bench design by the operator and handlebars or steering wheel for steering control. To be street legal, Off-Road Utility Vehicle (ATV) must have a tag issued by the State of Alabama. By resolution of the Council adopted

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.

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

Section 3. Rule and Regulations

Carts or ATV's may not be operated on any public street, road, or highway within the corporate limits of the Town of Coosada

Section 4. Violations

The following shall constitute violations of this Section:

1. The operation of a Cart or ATV on any public street, road, or highway within the corporate limits or police jurisdiction of the Town of Coosada.
2. No person may drive an off-highway motor vehicle at a speed greater than is reasonable or prudent and in no event at a speed which endangers the safety of other persons or property.
3. No person may operate, nor may an owner permit the operation of, an off-road motor vehicle in a manner likely to cause within the Town of Coosada on its roadways malicious or unnecessary damage to the land, wildlife, wildlife habitat or vegetative resources.³

Section 5. Penalties

First Offense:

If an Off-Road Utility Vehicle (ATV)/Golf Cart is stopped in violation of this provision, then the ATV/Golf Cart may be (Officer Discretion) immediately impounded and held at the owner's expense by the Town until such time as all cases involving said ATV/Golf Cart have been finally resolved.

In addition, to any other fines and/or costs the owner shall pay towing and storage costs. Storage costs shall be:

- a. \$25/day held up to thirty (30) days. If the full amount of the storage is not paid by the 1st day after the 30 days, the ATV/Golf Cart shall become property of the Town of Coosada.
- b. The driver or the driver's guardian of the ATV/Golf Cart may be given a court date to appear in court before the ATV/Golf Cart is released.
- c. Any person committing a violation of this Section shall, upon conviction, be punished by a fine of not less than two hundred dollars (\$200) and a maximum of one thousand dollars (\$1,000) and/or may be imprisoned for a period not exceeding sixty (30) days, at the discretion of the Municipal Court Judge.

Second Offense:

(1) The unauthorized operation of a Golf Cart, Cart, Off-Road Utility Vehicle, or ATV on any public street, road, or highway shall be a violation for which the Town shall assess and collect a civil penalty from the owner in the amount of one thousand dollars (\$1,000).

(2) Any person committing a violation of this Section shall, upon conviction, be punished by a fine of not less than one thousand dollars (\$1,000) and a maximum of two thousand five

hundred dollars (\$2,500) and/or may be imprisoned for a period not exceeding sixty (60) days, at the discretion of the Municipal Court Judge.

Section 6: Exceptions

The followings agencies can use ATVs/Golf Carts in the COT and PJ:

- a. Any Law Enforcement Agency
- b. Any Fire Department Agency
- c. The Recreation Department to perform daily job duties and its affiliates during Town event.
- d. During disasters and declared emergencies to assist the citizens of this community.
- e. All other situations for use must be approved by the Public Safety Director.
- f. All safety helmets, eye protection, and safety vests must be worn at all times if applicable.

Section 7: 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 8. General Provisions

The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity and enforceability of the remaining provisions of the Ordinance.

Section 9. Adoption

This Ordinance shall become effective upon its adoption and publication as required by law.

Adopted this 19th day of August, 2021.

Town of Coosada

Attest

Bryonna R. McCall
Clerk

James P. Adams - Mayor