

CITY OF BILOXI
AGENDA ITEM
FACT SHEET

Substitute Exhibit "A" Only

Item No.: 4 D

Council Meeting Date: January 26, 2021

ITEM TITLE: RESOLUTION

INTRODUCED BY: Council Member George Lawrence

CONTACT PERSON: Karen Brashier, Clerk of Council

SUMMARY EXPLANATION:

Resolution in support of local and private legislation authorizing the operation of low speed vehicles on the roads, streets, and avenues of the City of Biloxi, Mississippi.

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify):

Submittal Authorization: Council President Mayor _____

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>
	Lawrence	___	___	___	Tisdale	___	___	___
	Gines	___	___	___	Glavan	___	___	___
	Newman	___	___	___	Barrett	___	___	___
	Deming	___	___	___				

ACTION TAKEN:

Resolution No.

RESOLUTION IN SUPPORT OF LOCAL AND PRIVATE LEGISLATION
AUTHORIZING THE OPERATION OF LOW-SPEED VEHICLES ON THE
ROADS, STREETS, AND AVENUES OF THE CITY OF BILOXI, MISSISSIPPI

WHEREAS, the City Council and the City of Biloxi ("City") have been apprised of the fact that many residents desire to commute short distances within their neighborhoods by means of Low-Speed vehicles; and

WHEREAS, public safety officials have advised the City Council that the operation of such Low-Speed Vehicles on the City roads, streets, and avenues can be safely effectuated through a properly drafted ordinance regulating the operation of such Low-Speed Vehicles; and

WHEREAS, the Administration is in favor of authorizing such use of Low-Speed Vehicles in an attempt to promote economic development, community spirit, and the engagement of the City's resources by its citizens; and

WHEREAS, traffic regulations are preempted by State law and it is necessary to pursue local and private legislation to authorize the operation of such Low-Speed Vehicles on the City's streets and avenues; and

WHEREAS, upon passage of such legislation, the governing authorities plan to enact, by separate ordinance, in substantially the form of Exhibit "B", certain regulations for the control and use of such Low-Speed Vehicles, and designate areas of the City where such vehicles may be used, and where they are prohibited.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, THAT:

SECTION ONE: The findings, statements and conclusions contained in the preamble are hereby adopted, ratified and incorporated herein.

SECTION TWO: The City Council hereby declares its support for the passage of legislation authorizing the operation of Low-Speed Vehicles, as described above, on the streets and avenues of the City.

SECTION THREE: Attached hereto as Exhibit "A" and incorporated herein by reference is a proposed local and private statute embodying the intent of the governing authorities in this endeavor.

SECTION FOUR: The Council Clerk shall forward two (2) certified copies of this resolution and its attachment to our local legislative delegation, with the request that the delegation pursue passage of a statute substantially in the form of the proposed enactment attached hereto.

SECTION FIVE: This resolution shall take effect and be in force from and after adoption.

By:

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF BILOXI, MISSISSIPPI, TO ALLOW THE OPERATION OF LOW- SPEED VEHICLES ON CERTAIN PUBLIC ROADS, STREETS, AND AVENUES WITHIN THE CITY OF BILOXI; TO REQUIRE INDIVIDUALS OPERATING A LOW-SPEED VEHICLE OR GOLF CART TO HAVE A VALID DRIVER'S LICENSE; TO ALLOW CERTAIN REGISTRATION OF SUCH LOW-SPEED VEHICLE OR GOLF CART; AND FOR RELATED PURPOSES

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this act, unless a different meaning clearly appears in the context, the following terms shall have the following meanings:

(a) "City" means the City of Biloxi, Mississippi.

(b) "Governing authorities" means the Mayor and City Council of the City of Biloxi, Mississippi.

(c) "Low-Speed Vehicle" means any four-wheeled electric vehicle is capable of a top of no greater than twenty-five (25) miles per hour and is equipped with safety equipment as required under 49 CFR Section 571.500.

SECTION 2. (1) The governing authorities may, in their discretion, by ordinance, authorize the operation of Low-Speed Vehicles on public roads, avenues and streets in the City of Biloxi, Mississippi. Such authorization must

be embodied in an ordinance and recorded on the minutes of the City Council. Such authorization may be accompanied by conditions not inconsistent with this act and may be revoked, in whole or in part, by the governing authorities at any time. (2) Any person operating a Low-Speed Vehicle on the public roads, avenues and streets in the City under this act must have in his or her possession a valid driver's license, proof of insurance, and follow the applicable requirements of Section 63-15-1 et seq., Mississippi Code of 1972.

SECTION 3. Every owner of a Low-Speed Vehicle to be operated, as authorized under this act, on a public road, avenue or street shall be required to register the vehicle with the City. At the discretion of the City, the owner of the Low-Speed Vehicle may be issued a registration decal by the City in accordance with City ordinance.

SECTION 4. This act shall take effect and be in force from and after its passage.

ORDINANCE NO.

Exhibit "B"

**AN ORDINANCE OF THE CITY OF BILOXI, MISSISSIPPI,
TO ALLOW THE OPERATION OF LOW-SPEED VEHICLES
ON CERTAIN PUBLIC ROADS AND STREETS WITHIN THE CITY.**

WHEREAS, the Mississippi Legislature passed _____ Bill _____ during the 2021 regular session. *See* Exhibit "A" attached hereto; and

WHEREAS, _____ Bill _____ allows the legal use of low-speed vehicles on public roads and streets within the City of Biloxi with a speed limit of twenty-five (25) miles per hour or less; and

WHEREAS, the City of Biloxi desires to pass an ordinance to regulate the lawful operation of low-speed Vehicles, as described herein, on public roads and streets within city limits; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI AS FOLLOWS:

Section 1. The findings, statements, and conclusions of fact contained in the preamble are adopted, ratified, and incorporated herein:

Section 2. The Code of Ordinances of the City of Biloxi (1992) is hereby amended by adding Article IV entitled "Operation of Low-Speed Vehicles" to Chapter 20 of the Code of Ordinances, entitled "TRAFFIC."

CHAPTER 20 TRAFFIC ARTICLE IV - OPERATION OF LOW-SPEED VEHICLES

Section 20-4-1. 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 Biloxi, Mississippi.

Governing authorities means the Mayor and City Council of the City of Biloxi, Mississippi.

Low-speed Vehicle means any four-wheeled electric vehicle is capable of a top of no greater than twenty-five (25) miles per hour and is equipped with safety equipment as required under 49 CFR Section 571.500.

Section 20-4-2. Permissible operations.

- (a) Low-speed vehicles may be operated on any city streets and roads where the posted speed limit is twenty-five (25) miles per hour or below. Low-speed vehicles may not be operated on any other roads, except as provided herein.
- (b) Any person operating a low-speed vehicle on the city roads and streets must have in his or her possession a valid driver's license and proof of financial responsibility as required under MCA 1972, § 63-15-1 et seq.
- (c) Low speed vehicles may not be operated on, over, or across interstate highways or state highways.
- (d) Low-speed vehicles are not permitted to cross Highway 90, or to be operated south of Highway 90.
- (e) Low-speed vehicles are permitted to cross certain streets that exceed the twenty-five (25) mile per hour speed limit, but only for the purpose of crossing these streets, in which case the shortest traveling distance to do so shall be required at an intersection signalized by a traffic light.
- (f) Operation of low-speed vehicles is subject to all other applicable laws of the State of Mississippi and Biloxi related to traffic and parking, along with corresponding penalties, not specifically addressed herein.
- (g) The Biloxi Police Department shall monitor the permissible operations and regulations of all low-speed vehicles.

Section 20-4-3. Registration for low-speed vehicles.

- (a) Every low-speed vehicle to be operated on a public road or street shall be required to register the vehicle on an annual basis with the City of Biloxi's Police Department. The vehicle will also be inspected to ensure it is equipped with that safety equipment as specified under 49 CFR Section 571.500. At the time of registration, the owner shall produce proof of financial responsibility and insurance.
- (b) The owner shall sign an acknowledgment that he or she has read and understands the provisions of this Ordinance and certifies that the low-speed vehicle is in compliance with all requirements of this Ordinance.
- (c) The annual cost for the registration shall be seventy-five dollars (\$75.00) to cover the costs of administration and inspection, payable to the City of Biloxi.
- (d) Upon registration a decal shall be provided that must be displayed on the left rear fender of the vehicle.
- (e) The registration shall remain valid for a term of one (1) year from the date of registration of the vehicle.
- (f) The decal is non-transferrable meaning upon sale or transfer of low-speed vehicles, the new owner must register the vehicle before use on a public road or street is permitted. A new decal will be issued to the new owner upon registration.
- (g) Operating a 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 up to \$500.00 per occurrence.
- (h) The City may refuse to register and issue a permit for the operation of a low-speed vehicle, or may revoke a previously issued permit, if the registered low-speed vehicle and/or owner

of the low-speed vehicle is involved in three or more violations of this ordinance within one (1) year.

Section 20-4-4. Liability disclaimer.

This ordinance is adopted to address the interest of public safety. The City, through regulation, is addressing safety issues, and the adoption of this ordinance is not to be relied upon as a determination that operating a low-speed vehicle on public streets or roads is safe or advisable if done in accordance with this ordinance. All persons who operate or ride upon low-speed vehicles on public streets or roads do so at their own risk and peril, and must be observant and attentive to the safety of themselves and others, including passengers, other motorists, bicyclists and pedestrians. The City is not liable under any theory of liability and the City assumes no liability for permitting low-speed vehicles to be operated on public streets and roads under this legislation granted by the state legislature.