

**CITY OF BILOXI  
AGENDA ITEM  
FACT SHEET**

Item No.: 4 A

Council Meeting Date: April 7, 2021

ITEM TITLE: ORDINANCE (1st Reading)

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO

Peter Abide, City Attorney

**SUMMARY EXPLANATION:**

Ordinance amending Chapter 20 of the Code of Ordinances by adding Article IV Operations of Low-Speed Vehicles

Resolution \_\_\_\_\_ Ordinance  Public Hearing \_\_\_\_\_ Routine Agenda \_\_\_\_\_

Exhibits for Review

Contract \_\_\_\_\_ Minutes \_\_\_\_\_ Plans/Maps \_\_\_\_\_ Deed \_\_\_\_\_ Lease \_\_\_\_\_

Other (Specify): Exhibit "A" - State Bill 2605

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:

pa/km040721aleg

ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES BY  
ADDING ARTICLE IV OPERATION OF LOW-SPEED VEHICLES

WHEREAS, the Mississippi Legislature passed Senate Bill 2605 during the 2021 regular session as per attached Exhibit "A"; and

WHEREAS, Senate Bill 2605 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 or temporary driver's permit 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.

Section 3: This ordinance shall be effective thirty days from and after its passage and publication by law unless the vote is unanimous, in which case this Ordinance shall take effect immediately.

By: Senator(s) Simmons (12th), Barnett,  
Jackson (32nd), Norwood, Jordan, Simmons  
(13th)

To: Municipalities

SENATE BILL NO. 2605

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF  
2 MUNICIPALITIES TO ALLOW THE OPERATION OF GOLF CARTS AND LOW-SPEED  
3 VEHICLES ON CERTAIN PUBLIC ROADS AND STREETS WITHIN THE  
4 MUNICIPALITY; TO REQUIRE INDIVIDUALS OPERATING A GOLF CART OR  
5 LOW-SPEED VEHICLE TO HAVE A VALID DRIVER'S LICENSE OR TEMPORARY  
6 DRIVER'S PERMIT AND PROOF OF FINANCIAL RESPONSIBILITY; TO REQUIRE  
7 CERTAIN REGISTRATION OF GOLF CARTS AND LOW-SPEED VEHICLES; TO  
8 AMEND SECTIONS 27-19-3, 27-51-5 AND 63-17-155, MISSISSIPPI CODE OF  
9 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** As used in this act:

12 (a) "Golf cart" means a motor vehicle that is  
13 designated and manufactured for operation on a golf course for  
14 sporting or recreational purposes, is not capable of exceeding  
15 speeds of twenty (20) miles per hour, and is equipped with safety  
16 equipment as required under 49 CFR Section 571.500.

17 (b) "Low-speed vehicle" means any four-wheeled electric  
18 or gasoline-powered vehicle that has a top speed greater than  
19 twenty (20) miles per hour but less than twenty-five (25) miles  
20 per hour and is equipped with safety equipment as required under  
21 49 CFR Section 571.500.



47 temporary driver's permit, the owner of the golf cart or low-speed  
48 vehicle shall be issued a registration decal by the county or  
49 municipal tax collector that must be displayed on the left rear  
50 fender of the vehicle. The registration shall remain valid for as  
51 long as the registering owner owns the golf cart or low-speed  
52 vehicle. The city shall provide the registrant with a map of the  
53 areas where golf carts or low-speed vehicles may be operated at  
54 the time of registration. The operator shall be required to have  
55 proof of financial responsibility and a valid driver's license in  
56 his or her possession at all times while operating the golf cart  
57 or low-speed vehicle on public roads and streets of the state.

58 (2) The registration fee imposed under subsection (1) of  
59 this section shall be retained by the municipal clerk and  
60 deposited into the municipal general fund.

61 **SECTION 4.** Section 27-19-3, Mississippi Code of 1972, is  
62 amended as follows:

63 27-19-3. (a) The following words and phrases when used in  
64 this article for the purpose of this article have the meanings  
65 respectively ascribed to them in this section, except in those  
66 instances where the context clearly describes and indicates a  
67 different meaning:

68 (1) "Vehicle" means every device in, upon or by which  
69 any person or property is or may be transported or drawn upon a  
70 public highway, except devices moved by muscular power or used  
71 exclusively upon stationary rails or tracks.



97           (9) "Foreign vehicle" means every motor vehicle,  
98 trailer or semitrailer, which shall be brought into the state  
99 otherwise than by or through a manufacturer or dealer for resale  
100 and which has not been registered in this state.

101           (10) "Pneumatic tires" means all tires inflated with  
102 compressed air.

103           (11) "Solid rubber tires" means every tire made of  
104 rubber other than pneumatic tires.

105           (12) "Solid tires" means all tires, the surface of  
106 which in contact with the highway is wholly or partly of metal or  
107 other hard, nonresilient material.

108           (13) "Person" means every natural person, firm,  
109 copartnership, corporation, joint-stock or other association or  
110 organization.

111           (14) "Owner" means a person who holds the legal title  
112 of a vehicle or in the event a vehicle is the subject of an  
113 agreement for the conditional sale, lease or transfer of the  
114 possession, the person with the right of purchase upon performance  
115 of conditions stated in the agreement, and with an immediate right  
116 of possession vested in the conditional vendee, lessee, possessor  
117 or in the event such or similar transaction is had by means of a  
118 mortgage, and the mortgagor of a vehicle is entitled to  
119 possession, then such conditional vendee, lessee, possessor or  
120 mortgagor shall be deemed the owner for the purposes of this  
121 article.



147           (19) "Common carrier by motor vehicle" means any person  
148 who or which undertakes, whether directly or by a lease or any  
149 other arrangement, to transport passengers or property or any  
150 class or classes of property for the general public in interstate  
151 or intrastate commerce on the public highways of this state by  
152 motor vehicles for compensation, whether over regular or irregular  
153 routes. The term "common carrier by motor vehicle" shall not  
154 include passenger buses operating within the corporate limits of a  
155 municipality in this state or not exceeding five (5) miles beyond  
156 the corporate limits of the municipality, and hearses, ambulances,  
157 and school buses as such. In addition, this definition shall not  
158 include taxicabs.

159           (20) "Contract carrier by motor vehicle" means any  
160 person who or which under the special and individual contract or  
161 agreements, and whether directly or by a lease or any other  
162 arrangement, transports passengers or property in interstate or  
163 intrastate commerce on the public highways of this state by motor  
164 vehicle for compensation. The term "contract carrier by motor  
165 vehicle" shall not include passenger buses operating wholly within  
166 the corporate limits of a municipality in this state or not  
167 exceeding five (5) miles beyond the corporate limits of the  
168 municipality, and hearses, ambulances, and school buses as such.  
169 In addition, this definition shall not include taxicabs.

170           (21) "Private commercial and noncommercial carrier of  
171 property by motor vehicle" means any person not included in the





197           (24) "Driver" means the person actually driving or  
198 operating such motor vehicle at any given time.

199           (25) "Private carrier of property" means any person  
200 transporting property on the highways of this state as defined  
201 below:

202                   ( \* \* \*i) Any person, or any employee of such  
203 person, transporting farm products, farm supplies, materials  
204 and/or equipment used in the growing or production of his own  
205 agricultural products in his own truck.

206                   ( \* \* \*ii) Any person transporting his own fish,  
207 including shellfish, in his own truck.

208                   ( \* \* \*iii) Any person, or any employee of such  
209 person, transporting unprocessed forest products, or timber  
210 harvesting equipment wherein ownership remains the same, in his  
211 own truck.

212           (26) "Taxicab" means any passenger motor vehicle for  
213 hire with a seating capacity not greater than ten (10) passengers.  
214 For purposes of this paragraph (26), seating capacity shall be  
215 determined according to the manufacturer's suggested seating  
216 capacity for a vehicle. If there is no manufacturer's suggested  
217 seating capacity for a vehicle, the seating capacity for the  
218 vehicle shall be determined according to regulations established  
219 by the Department of Revenue.

220           (27) "Passenger coach" means any passenger motor  
221 vehicle with a seating capacity greater than ten (10) passengers,



247 seats or major fraction thereof. In the case of a regular  
248 passenger-type automobile which is used as a common or contract  
249 carrier of passengers, three (3) seats shall be counted for the  
250 rear seat of such automobile and one (1) seat shall be counted for  
251 the front seat of such automobile.

252 (32) "Ton" means two thousand (2,000) pounds  
253 avoirdupois.

254 (33) "Bus" means any passenger vehicle with a seating  
255 capacity of more than ten (10) but shall not include "private  
256 carrier of passengers" and "school bus" as defined in paragraphs  
257 (15) and (22) of this section. For purposes of this paragraph  
258 (33), seating capacity shall be determined according to the  
259 manufacturer's suggested seating capacity for a vehicle. If there  
260 is no manufacturer's suggested seating capacity for a vehicle, the  
261 seating capacity for the vehicle shall be determined according to  
262 regulations established by the Department of Revenue.

263 (34) "Corporate fleet" means a group of two hundred  
264 (200) or more marked private carriers of passengers or light  
265 carriers of property, as defined in Section 27-51-101, trailers,  
266 semitrailers, or motor vehicles in excess of ten thousand (10,000)  
267 pounds gross vehicle weight, except for those vehicles registered  
268 for interstate travel, owned or leased on a long-term basis by a  
269 corporation or other legal entity. In order to be considered  
270 marked, the motor vehicle must have a name, trademark or logo  
271 located either on the sides or the rear of the vehicle in sharp



297 (a) "Motor vehicle" means any device and attachments  
298 supported by one or more wheels which is propelled or drawn by any  
299 power other than muscular power over the highways, streets or  
300 alleys of this state. The term "motor vehicle" shall not include  
301 electric personal assistive mobility devices as defined in Section  
302 63-3-103, or golf carts or low-speed vehicles as defined in  
303 Section 1 of this act. However, mobile homes which are detached  
304 from any self-propelled vehicles and parked on land in the state  
305 are hereby expressly exempt from the motor vehicle ad valorem  
306 taxes, but house trailers which are actually in transit and which  
307 are not parked for more than an overnight stop are not exempted.

308 (b) "Public highway" means and includes every way or  
309 place of whatever nature, including public roads, streets and  
310 alleys of this state generally open to the use of the public or to  
311 be opened or reopened to the use of the public for the purpose of  
312 vehicular travel, notwithstanding that the same may be temporarily  
313 closed for the purpose of construction, reconstruction,  
314 maintenance, or repair.

315 (c) "Administrator of the road and bridge privilege tax  
316 law" means the official authorized by law to administer the road  
317 and bridge privilege tax law of this state.

318 **SECTION 6.** Section 63-17-155, Mississippi Code of 1972, is  
319 amended as follows:

320 63-17-155. As used in Sections 63-17-151 through 63-17-165,  
321 the following terms shall have the following meanings:



347 (f) "Motor vehicle" means a vehicle propelled by power  
348 other than muscular power which is sold in this state, is operated  
349 over the public streets and highways of this state and is used as  
350 a means of transporting persons or property, but shall not include  
351 vehicles run only upon tracks, off-road vehicles, motorcycles,  
352 mopeds, electric personal assistive mobility devices as defined in  
353 Section 63-3-103, or golf carts or low-speed vehicles as defined  
354 in Section 1 of this act, or parts and components of a motor home  
355 which were added on and/or assembled by the manufacturer of the  
356 motor home. "Motor vehicle" shall include demonstrators or  
357 lease-purchase vehicles as long as a manufacturer's warranty was  
358 issued as a condition of sale.

359 (g) "Purchase price" means the price which the consumer  
360 paid to the manufacturer to purchase the motor vehicle in a cash  
361 sale or, if the motor vehicle is purchased in a retail installment  
362 transaction, the cash sale price as defined in Section 63-19-3.

363 **SECTION 7.** This act shall take effect and be in force from  
364 and after its passage.

