

ORDINANCE NO. 101-20

AN ORDINANCE OF THE CITY OF SWEENEY, TEXAS, ADOPTING A NEW CHAPTER 77 REGULATING GOLF CARTS WITHIN THE CITY; PROVIDING DEFINITIONS, EQUIPMENT REGULATIONS, OPERATION REGULATIONS, EXCEPTIONS, PERMITS, REVOCATION OF PERMITS, ENFORCEMENT PROVISIONS; FINDING FACT; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE AT THE DATE OF ITS PASSAGE.

WHEREAS, the Texas Transportation Code authorizes the governing body of a municipality to regulate and control the operation of golf carts within the city's legal boundaries and on its public streets to ensure the public safety of the community; and

WHEREAS, golf cart use can be an ecofriendly alternative to traditional passenger vehicles; and

WHEREAS, golf carts are not normally equipped with many of the traditional safety features that are customarily required or found on more commonly used motor vehicles; and

WHEREAS, passenger ejection and injuries can be reduced in an urban setting by requiring additional safety equipment and providing rules of operation;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF SWEENEY, TEXAS:**

Section 1: The findings of fact recited herein are hereby adopted by the Council.

Section 2:

A new Chapter 77 of the Code of Ordinances of the City of Sweeny, Texas, entitled "GOLF CARTS" is hereby adopted effective with the passage of this ordinance.

Section 3: Chapter 77 "GOLF CARTS" is established as follows:

"Section 77.01 Definitions

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Golf cart. As referenced hereafter, shall have the meaning assigned by the VTCA Transportation Code Section 502.001(7) as it exists or may be amended and includes a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. The term, as used herein, shall include a specific restriction that a permitted golf cart shall have an attainable speed of not greater than 25 mph. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATV's, NEV's, four wheeler, Mules and Gators.

Golf cart registration permit. A privilege granted upon compliance with the terms of this article to legally operate a golf cart upon a public highway or parking area within the boundaries of the city for the term that the permit was issued.

Golf cart registration permit decal. A certificate for attachment to a golf cart identifying the golf cart as permitted by the city and giving an expiration date.

Operator. The person operating and having physical control over the golf cart. An operator must carry a valid state driver's license.

Owner. Shall have the meaning assigned by the Texas Transportation Code Section 502.001 and shall mean the person who has legal title to the golf cart, has the legal right of possession of the golf cart, or has the legal right of control of it.

Public highway. Shall have the meaning assigned by the Texas Transportation Code Section 502.001(18) as it exists or may be amended, and includes a road, street, way, thoroughfare or bridge:

- (1) That is in the State,
- (2) That is for use of vehicles,
- (3) That is not privately owned or controlled, and
- (4) Over which the State has legislative jurisdiction under its police power.

Section 77.02 Required equipment regulations

- (a) Golf carts shall display a 'slow moving vehicle' emblem that has a reflective surface designed to be clearly visible in daylight and at night from the light of standard automobile headlamps at a distance of at least 500 feet (as provided for in Sections 551.404 and 547.703, Texas Transportation Code, and shall be mounted base down on the rear of the vehicle at a height of three to five feet above the road surface and shall be maintained in a clean, reflective condition.
- (b) Golf carts shall be equipped with front and rear turn signal lamps and rear view exterior mirror mounted on the driver's side of the vehicle and either an exterior rear view mirror mounted on the passenger side of the vehicle or an interior rear view mirror, a parking brake, a windshield, and a vehicle identification number.
- (c) Golf carts shall be equipped with two head lamps, two tail lamps and one red reflector on each side as far to the rear as practicable or red and white reflective tape one inch width parallel with the lower portion of the golf cart.
- (d) Every golf cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and shall comply with all state, federal and city regulations.
- (e) Golf carts which have been altered to allow them to travel at speeds greater than 25 mph are prohibited.

Section 77.03 Operation requirements

- (a) All operators of golf carts shall be licensed to operate a motor vehicle as provided by the Texas Transportation Code and shall carry a valid state driver's license while operating the golf cart.
- (b) All operators of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using any public roadway in the city, including proof of financial responsibility (vehicle insurance), the use of seat belts and the prohibition of alcohol open containers.
- (c) Golf carts shall not be operated on public sidewalks at any time.
- (d) Golf carts may only be operated upon a public street with a posted speed limit of not more than 30 mph unless otherwise restricted. Golf carts will not be allowed to operate on a state highway, specifically FM 1459 and FM 524, unless crossing at a controlled intersection or permitted functions such as parades. Golf carts will not be allowed to operate on CR 332 except between the Texas Avenue and Camellia Street intersections and between the Azalea Street and Forest Park Court Street intersections.
- (e) A golf cart may cross a street or highway with a posted speed limit of more than 30 mph if such crossing occurs at an intersection, such crossing is perpendicular to the street or highway with a posted speed limit of more than 25 mph, and such crossing is controlled by stop lights.
- (f) The operator of a golf cart on a public street may cross a multi lane or a county or state route only at a signalized intersection.

- (g) All golf carts are entitled to a full use of a lane on a public street and no motor vehicle shall be operated in such a manner as to deprive any golf cart of the full use of the lane.
- (h) The operator of a golf cart shall not overtake or pass in the same lane occupied by the vehicle being overtaken.
- (i) No operator shall operate a golf cart between lanes of traffic or between adjacent lines of rows of vehicles.
- (j) Golf carts shall move to the right and yield right of way to faster moving vehicles.
- (k) Golf carts are prohibited from towing any other device or vehicles, including but not limited to skateboards, scooters, trailers, boats and jet skis.
- (l) The operator and every occupant of a golf cart shall be limited to the seating capacity as designed by the manufacturer and all occupants shall remain seated in a seat designed to hold passengers while the golf cart is in motion.
- (m) Children under the age of five years may not ride on a golf cart unless they are in child restraints required by law for motor vehicles.

Section 77.04 Exceptions

- (a) Golf carts owned and or operated for official government purposes by the city or any other governmental entity are exempt from regulation by this code.
- (b) Golf carts used while evacuating persons during a declared emergency are exempt from regulation by this code during the declared emergency and for 72 hours after the emergency unless otherwise ordered by the city.

Section 77.05 Registration permit

Before any golf cart may be operated on the streets and highways of the city, it must be registered with and provided a permit by the police department of the city. The city registration permit process includes the following:

- (1) The applicant shall complete the city supplied registration permit application which shall contain the:
 - (a) Name and physical and mailing address of the applicant owner
 - (b) Location where the vehicles is regularly stored overnight
 - (c) Model, make and golf cart identification number
 - (d) Current driver's license information of the owner
 - (e) A statement that the applicant has been furnished a copy of these regulation and that he or she agrees to comply with all conditions contained in this article and to any local, state or federal laws governing the use of golf carts.
 - (f) A statement that the registration permit holder and any user shall indemnify and hold harmless the city for any and all civil liability associated with the registration and that the permit holder and user waive any and all rights to sue or allow subrogation by the insurance company.
 - (g) Any other information that the city may reasonably require.
- (2) The registration permit application shall be:
 - (a) Accompanied by the permit fee of \$50.00 for the first time applicants and \$50.00 for annual renewals thereafter to defray administrative and inspection costs.
 - (b) Accompanied by proof of financial responsibility consistent with the minimum requirements of the Texas Transportation Code for the operation of motor vehicles. A copy of the insurance shall be attached to the application.

- (c) Accompanied by a copy of the applicant's state driver's license.
 - (d) Signed by the applicant/owner.
- (3) Upon receipt of the completed application and permit fee, a member of the police department shall make arrangements to inspect the golf cart for adherence to this article.
- (4) When the inspector has approved the vehicle, the annual permit decal shall be issued to the owner. The decal shall be immediately affixed to the front panel of the driver's side of the golf cart so as to be clearly visible.
- (5) The registration permit shall be effective for one year from the date of issuance or until such time as revoked for noncompliance or when the golf cart is transferred to a new owner.

Section 77.06 Revocation of permit

The registration permit may be revoked if:

- (1) The owner or operator of the golf cart fails to abide by the rules and regulations of this article, including failure to maintain liability insurance.
- (2) The owner of or driver of the golf cart fails to abide by the traffic laws and/or operates the golf cart in unauthorized area.

Section 77.07 Registration permit is not transferrable

The city registration permit is not transferrable. Upon transfer of ownership to another person who intends to operate the golf cart in the city, the new owner must register the golf cart in his or her name and pay the required permit fee as outlined in this article.

Section 77.08 Penalty

Any person who violates any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount of not more than five hundred dollars (\$500.00) per offense. Each violation of this ordinance shall constitute a separate offense.

Section 4:

This ordinance shall be effective from and after its passage.

PASSED AND ADOPTED this _____ day of _____, 2020.

JEFF FARLEY, Mayor of the City of
Sweeny, Texas

ATTEST:

REATA MINSHEW, City Secretary