

**ORDINANCE No. 2011-111
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SHOREACRES TO REGULATING THE USE OF GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY LIMITS; CONTAINING A SEVERABILITY CLAUSE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00); PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * *

WHEREAS, the Texas Transportation Code, Section 551.404 specifically provides that a municipality may, under certain conditions, allow for the operation of a golf cart on a street or highway; within its jurisdiction; and

WHEREAS, the City Council has determined that, in allowing for the use of a golf cart on a street or highway, it is necessary to regulate the operation of golf carts in the interest of public safety, while in the corporate limits of Shoreacres, Texas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES:

That, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct; and,

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

That the Shoreacres City Code is hereby amended by adding to Chapter 62, "Article VI Regulation of Golf Carts," sections to be numbered 62-241 through 62-250, which sections read as follows:

Sec. 62-241. 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 V.T.C.A., Transportation Code § 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 top 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-wheelers, mules and gators.

“*Golf Cart Registration Permit*” shall mean a privilege granted upon compliance with terms of this article to legally operate a golf cart upon a public highway, or parking area within the corporate boundaries of the City of Shoreacres for the term that the permit was issued.

“*Operator*” shall mean the person operating and having physical control over the golf cart. An operator must carry a valid Texas Drivers’ License.

“*Golf Cart Registration Permit Decal*” shall mean a certificate for attachment to a golf cart identifying the golf cart as permitted by the city and giving an expiration date.

“*Owner*” shall have the meaning assigned by the Texas Transportation Code, § 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 Transportation Code § 502.001(18), as it exists or may be amended, and includes a road, street, way, thoroughfare, or bridge:

- (a) that is in the state;
- (b) that is for the use of vehicles;
- (c) that is not privately owned or controlled; and,
- (d) over which the state has legislative jurisdiction under its police power.

Sec. 62-242. Operation of Golf Carts Permitted.

Pursuant to the Texas Transportation Code, Section 551.404, operators are permitted to operate a golf cart on public highways within the corporate limits of the City of Shoreacres providing that the public highway has a posted speed limit of not more than 35 miles per hour and all other requirements contained within this article are met.

Sec. 62-243. Required Equipment Regulations.

- (a) Every golf cart operated within the City of Shoreacres shall be equipped with the following equipment which shall be operational at all times:
 - 1. headlights;
 - 2. tail lamps;
 - 3. reflectors;
 - 4. parking brakes;
 - 5. rearview mirror(s);

6. a slow moving vehicle emblem clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet as provided for in §547.703 of the Transportation Code.
- (b) Every golf cart powered by a gasoline engine shall at all times be equipped with an exhaust system in good working order and shall comply with all state, federal and city regulations, including but not limited to Section 22-39 et. seq. ("Noise") of this code.
- (c) Golf carts which have been altered to allow them to travel at speeds greater than 25 mph are prohibited on any public highway in the City of Shoreacres.

Sec. 62-244. Operation Regulations.

- (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 Texas Drivers' License and proof of insurance for the golf cart, 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 highway in the City of Shoreacres.
- (c) Golf carts shall not be operated on public sidewalks at any time.
- (d) Golf carts shall not be operated on a public bike trail, unless the section of bike trail is directly adjacent, and runs parallel, to a public highway with a posted speed limit that exceeds 35 miles per hour. When operating on a bike trail, golf carts must yield the right-of-way to bikes and pedestrians.
- (e) A golf cart may not cross a street or highway with a posted speed limit of more than 35 mph, unless the crossing occurs at an intersection.
- (f) All golf carts are entitled to the full use of a lane on the public highway and no motor vehicle shall be operated in such a manner as to deprive any golf cart of the full use of a lane.
- (g) The operator of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (h) No operator shall operate a golf cart between lanes of traffic or between adjacent lines of rows of vehicles.
- (i) Golf carts shall move to the right and yield the right of way to faster moving vehicles.
- (j) No person may ride in the lap of the driver or any other occupant of a golf cart.
- (k) The maximum seating of a golf cart shall be limited to the seating capacity as designated by the manufacturer; and all occupants operating or riding in/on a golf cart must occupy a designated seat and remain seated at all times while the golf car is in motion.
- (l) Children under the age of ten years must be properly restrained by a seat belt. Seat belts must meet American National Safety Institute (ANSI) standards; and
- (m) Golf carts may not pull or tow any person, vehicle or equipment.

Sec. 62-245. Exceptions.

The following golf carts are exempt from regulation by this code:

- (a) Golf carts owned and/or operated by the City of Shoreacres or any other governmental entity.
- (b) Golf carts operated in support of a City sponsored or permitted special event.
- (c) Golf carts used while evacuating persons during a declared emergency and for 72 hours after the emergency unless otherwise ordered by the City.

Sec. 62-246. Registration Permit.

Before any golf cart may be operated on the streets and highways of the City of Shoreacres, it must be registered with and provided a permit by the City of Shoreacres Police Department. Registration must be up-dated annually and the fee for registration shall be \$35.00, which covers administrative and inspection costs. The city registration permit process includes the following:

- (a) The applicant shall complete the city-supplied registration permit application which shall contain the:
 - (1) Name and physical and mailing address of the applicant owner.
 - (2) Location where the vehicle is regularly stored overnight.
 - (3) Model, make and golf cart ID number.
 - (4) Current Driver's License information of owner.
 - (5) A statement that the applicant has been furnished a copy of this ordinance and that he or she agrees to comply with all conditions contained in this ordinance and to any local, state or federal laws governing the use of golf carts.
 - (6) A statement that the registration permit holder and any user shall indemnify and hold harmless the City of Shoreacres, Texas for any and all civil liability associated with said registration and that the permit holder and user waive any and all rights to sue or allow subrogation by insurance company.
 - (7) Any other information that the city may reasonably require.
- (b) The registration permit application shall be:
 - (1) Accompanied by the annual permit fee of \$35.00.
 - (2) 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 certificate of insurance shall be attached to the application.
 - (3) Accompanied by a copy of the applicant's Texas Driver's license.
 - (4) Signed by the applicant/owner.

(c) 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 ordinance.

(d) 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.

(e) The registration permit shall be effective for one year from the date of issuance or until such time as revoked for non-compliance or when the golf cart is transferred to a new owner.

Sec. 62-247. Reciprocal Permit.

Any golf cart registered with and displaying a current valid permit issued by the City of La Porte Police Department is not required to obtain a permit under this article if the City of La Porte recognizes such permit issued by this city and exempts the operator from securing a permit issued by the City of La Porte.

Sec. 62-248. Revocation of the Registration Permit.

The registration permit may be revoked if:

(a) The owner or operator of the golf cart fails to abide by the rules and regulations of this ordinance, including failure to maintain liability insurance.

(b) The owner or driver of the golf cart fails to abide by the traffic laws of the State or the City of Shoreacres and/or operates the golf cart in an unauthorized area, or uses a wireless communication device in a school zone during restricted school hours, in violation of State Law.

Sec. 62-249. Registration Permit Is Not Transferrable.

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

Sec. 62-250. Penalty.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than Two Hundred Dollars (\$200.00) per offense. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined in this section.

This Ordinance shall be effective January 1, 2012, after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of Shoreacres at least once after the passage of this ordinance.

PASSED AND APPROVED this the 28th day of November 2011.

(CITY SEAL)

Dolly Arons, Mayor

ATTEST:

David K. Stall
City Secretary