

**ORDINANCE No. 2012-111  
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.

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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 62-245, 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.

"*Operator*" shall mean the person operating and having physical control over the golf cart.

"*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. General Requirements.**

All golf carts and operators must comply with the following requirements:

- (a) Golf carts shall be operated only on a public highway for which the posted speed limit is not more than 35 miles per hour.
- (b) A slow moving vehicle emblem, as provided for in Section 547.703 of the Transportation Code, must be displayed to the rear.
- (c) All operators of golf carts shall abide by all traffic regulations applicable to the movement of vehicular traffic when using any public highway in the City of Shoreacres.
- (d) Golf carts shall not be operated on public sidewalks at any time.
- (e) A golf cart operator 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) Golf carts shall not be operated between lanes of traffic or between adjacent lines of rows of vehicles.
- (i) 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
- (j) No person may ride in the lap of the driver of the golf cart.
- (k) Golf cart owners must maintain liability insurance for the golf cart.

**Sec. 62-243. Operation.**

Golf Carts must be equipped with headlights, tail lamps, reflectors, parking brakes, and rearview mirrors.

Golf Carts may operate during daytime or nighttime hours. During nighttime hours headlights and tail lamps shall be operational at all times.

**Sec. 62-244. Registration with the City of La Porte.**

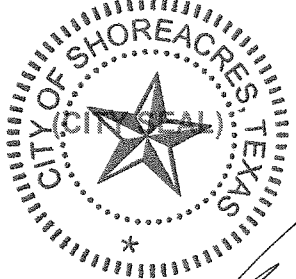
Any golf cart registered with and displaying a current valid permit issued by the City of La Porte Police Department, is recognized by the City of Shoreacres as complying with the requirements of sections 62-243.

**Sec. 62-245. 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 April 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 27th day of February 2012.



*Dolly Arons*  
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Dolly Arons, Mayor

ATTEST:

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David K. Stall, CFM  
City Secretary