

**ORDINANCE No. 2012-123
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 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 section 62-242 of the Shoreacres City Code is hereby amended to read as follows:

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 or 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) The operator and all passengers must be seated and remain seated whenever the golf cart is in motion. No person may ride in the lap of the driver of the golf cart.
- (k) Golf carts shall not be driven or operated by a person under the age of 14 years without the direct supervision of a 21 year old or older passenger.
- (l) No person shall allow or permit a golf cart under their control to be driven or operated by a person under the age of 14 years without the direct supervision of a 21 year old or older passenger.
- [(k)] (m) Golf cart owners must maintain liability insurance for the golf cart.

This Ordinance shall be effective July 16, 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 9th day of July 2012.



Dolly V. Arons

 Dolly Arons, Mayor

ATTEST:

David K. Stall

 David K. Stall, CFM, City Secretary