

**ORDINANCE NO. O-2018-330
GOLF CART ORDINANCE**

AN ORDINANCE OF THE CITY OF STAGECOACH PROVIDING RULES AND REGULATIONS FOR THE OPERATION OF GOLF CARTS AND OTHER SLOW-MOVING VEHICLES WITHIN THE CITY LIMITS; PROVIDING FOR EXCEPTIONS; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE UP TO \$250; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION THEREOF.

WHEREAS, the City Council of the City of Stagecoach finds that the operation of golf carts present unique dangers to the operators of golf carts and to the general public; and

WHEREAS, to ensure the health, safety, and welfare of the public, the City must adopt regulations of the operation of golf carts in the City; and

WHEREAS, the Texas Transportation Code Chapter 551 regulates the operation of golf carts.

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

SECTION 1. Findings. The recitals above are hereby found to be true and correct and are hereby adopted by the City Council and made part hereof for all purposes as finding of fact.

SECTION 2. 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.

- a. Golf cart as referenced hereafter, shall have the meaning assigned by the V.T.C.A., Transportation Code § 502.001(18), as it exists or may be amended, and includes a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.
- b. 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 Stagecoach for the term that the permit was issued.

- c. 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.
- d. Operator shall mean the person operating and having physical control over the golf cart. An operator must carry a valid Texas Drivers' License.
- e. Owner 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.
- f. Public highway shall have the meaning assigned by the V.T.C.A., Transportation Code §502.001(35), as it exists or may be amended, and includes a road, street, way, thoroughfare, or bridge that (1) is in the state; (2) is for the use of vehicles; (3) is not privately owned or controlled; and (4) over which the state has legislative jurisdiction under its police power. Pursuant to V.T.C.A., Transportation Code §502.404, as it exists or may be amended, golf carts may only be operated on public highway that is in the corporate boundaries of the municipality, and has a posted speed limit of not more than 35 miles per hour.

SECTION 3. Required Equipment Regulations.

- 1. Every golf cart operated within the City shall be equipped with the following equipment which shall be operational at all times:
 - a. headlights,
 - b. tail lamps,
 - c. reflectors,
 - d. parking brakes,
 - e. rearview mirror(s)
 - f. Slow moving vehicle emblem mounted on rear of vehicle clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet.
- 2. Gas powered golf carts shall have an exhaust system in good working order and a proper muffler that maintains exhaust noise to an acceptable level.

SECTION 4. Operation Regulations.

- 1. 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 while operating the golf cart.
- 2. All operators shall abide by all traffic regulations applicable to vehicular traffic when using any public highway in the City.

3. Golf carts must abide by posted speed limits and may not operate at a speed greater than 25 mph at any time in the City.
4. Golf carts shall move to the right and yield the right of way to faster moving vehicles.
5. 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.
6. No person may ride in the lap of the driver or any other occupant.
7. Children will be properly secured and protected at all times while the vehicle is in motion.

SECTION 4. Exceptions.

1. Vehicles owned and/or operated for official government purposes by the City of Stagecoach or any other governmental entity are exempt from regulation by this Code.
2. Vehicles 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 5. Registration Permit.

Before any golf cart may be operated on the streets of the City, it must be registered with and provided a permit by the City of Stagecoach Police Department. The first time registration fee is \$50.00 and the annual renewal is \$25.00 which covers administrative and inspection costs. The City registration permit process includes the following:

1. 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 identification number; (4) Owner's current driver's license information; (5) a statement that the applicant has been furnished a copy of this Ordinance and that he/she agrees to comply with all conditions contained herein 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 Stagecoach, 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; and (7) any other information that the city may reasonably require.
2. The registration permit application shall be:

- a. Accompanied by the permit fee.
 - 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 proof of insurance shall be attached to the application.
 - c. Accompanied by a copy of the applicant's Texas Driver's license.
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 Ordinance.
 4. When the inspector has approved the vehicle, the permit decal shall be issued to the owner. The decal shall be immediately affixed to the front panel of the driver's side 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 6. Revocation of the Registration 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 Ordinance;
2. The owner or driver of the golf cart fails to abide by the traffic laws and/or operates the cart in an unauthorized area.

SECTION 7. Registration Permit is Not Transferrable.

The registration permit is not transferable. Any new owner must register the golf cart in his/her name and pay the required permit fee.

SECTION 8. Penalties.

A person who violates a provision of this Ordinance is guilty of a misdemeanor which is punishable by a fine not less than \$1.00 and not to exceed \$250.00. Each day of violation shall constitute a separate offense.

SECTION 9. Repeal of Conflicting Ordinances.

All other ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed.

SECTION 10. Severability.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 11. Effective Date.

This ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this 15th day of May, 2018.

Galen Mansee
Mayor, City of Stagecoach

ATTEST:

Brenda Rutt, City Secretary

(SEAL)