

ORDINANCE NUMBER #79

AN ORDINANCE REGULATING THE OPERATION OF GOLF CARTS AND UTILITY VEHICLES ON PUBLIC STREETS, PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR THE PUBLICATION OF THE ORDINANCE.

WHEREAS, Chapter 551, Subchapter F, of the Texas Transportation Code, allows for the use of golf carts and utility vehicles within the municipality under certain conditions; and

WHEREAS, The Texas Transportation Code grants to municipalities the authority to control the operation of motor vehicles using its streets and to prescribe reasonable and safe restrictions related to the stopping, standing and parking of said vehicles; and

WHEREAS, The Texas Transportation Code also permits municipalities to prohibit the operation of golf carts and utility vehicles on a public highway if the governing body of the municipality determines that the prohibition is necessary and in the best interests of safety; and

WHEREAS, The City Council of Tuscola, Texas has investigated and determined that the prohibitions set forth in this ordinance are necessary and in the best interests of safety; and

WHEREAS, The City Council has further investigated and determined that it would be advantageous and beneficial to the citizens of Tuscola and in the best interests of public health, safety and welfare of the citizens and the public to establish regulations for the safe operation of golf carts/utility vehicles by passing this ordinance as set below.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUSCOLA, TEXAS AS FOLLOWS:

A person, other than Public Safety Personnel, may operate a golf cart/utility vehicle on a public street, parking area and /or traffic way if the person obtains a permit and meets the following requirements:

- a) The maximum speed limit on the street is thirty five (35) mph or less;
- b) The person operating the golf cart/utility vehicle must have a valid driver's license if under the age of 21 or be accompanied by a person with a valid driver's license. Persons operating a golf cart must abide by all traffic and parking regulations applicable to passenger cars when operating on city streets and parking areas owned by the city;
- c) The person maintains current financial responsibility for the golf cart/utility vehicle as required by Section 601.051 of the Texas Transportation Code;
- d) The person complies with all applicable federal, state and local laws and ordinances;

e) The golf cart/utility vehicle has the following equipment, which must continuously remain in good working and operational order:

- (1) Two (2) headlamps;
- (2) Two (2) tail lamps;
- (3) Side reflectors (two in front, amber in color and two in rear, red in color;
- (4) Parking brake;
- (5) Rear view mirror(s), capable of a clear, unobstructed view of at least two hundred (200) feet to the rear of the vehicle;
- (6) Slow moving vehicle emblem;
- (7) City permit decal; and

f) The equipment described herein meets the Texas and Federal Motor Vehicle Safety Standards, as they exist now or may be amended; and

g) While the vehicle is in motion, the driver and any passenger are seated in a seat designed to hold passengers. No person may stand or ride in the lap of the driver or passenger while the vehicle is in motion.

In addition to the requirements set forth above, every golf cart/utility vehicle powered by gasoline shall at all times be equipped with an exhaust system in good working order and in constant operation and meeting the specifications as originally equipped by the manufacturer.

LIABILITY

a) Nothing in this article shall be misconstrued as an assumption of liability by the City of Tuscola for any injuries (including death) to persons, pets or damage to property as a result of operation of a golf cart/utility vehicle by an authorized driver; and

b) Owners are fully liable and accountable for the action of any individual that they provide permission to operate the vehicle, both on private property and public streets, parking areas, alleys and traffic areas. This described liability responsibility especially applies to personal injuries including death or property damage resulting from drivers who are minors under the age of twenty one (21) with or without a current valid driver's license.

PERMIT REQUIRED

a) No person shall operate a golf cart/utility vehicle without a valid city permit decal installed.

b) Application for permit will be made by person who owns leases or otherwise uses the golf cart/utility vehicle. Such application shall be made in writing at City Hall on a form dedicated to that purpose. The application shall include the following information:

1) The name, address, phone number, and driver's license number of the permit holder. A photo copy of the driver's license will be put on file along with the application in the permit holders file.

2) The street address where the vehicle will be kept, including suite or apartment number, if applicable;

3) The year, make, model, color, vehicle identification or serial number, gas or electric; and

4) The business name used for the premises where the vehicle is kept, if applicable; and

5) A current copy of the financial responsibility must be affixed to the application, and carried in the vehicle for inspection at all times; and

6) The person(s) and location, designated by the City, that inspected the golf cart/utility vehicle, including a certification by said inspector that the vehicle complies with the requirements of the ordinance before issuance of the permit:

c) The permit shall be affixed to the left side of the vehicle in such a manner as to be clearly visible from fifty (50) feet. Permit must not be damaged, altered, obstructed or otherwise made illegible.

d) The permit shall only be installed on the vehicle it was issued to

e) A permit shall become invalid if the vehicle is altered in any manner that fails to comply with this ordinance

f) Permit/Stickers are valid for a period of two (2) years. The following fee shall apply:

1) Inspection by approved vendor \$30 (includes Permit Sticker)

g) The permit holder shall notify City Hall within ten (10) working days if the vehicle transfers ownership or changes address.

h) Lost or stolen permit stickers are the responsibility of the owner. A police report must be filed in the event of a lost or stolen sticker. There will be a fee of ten (10) dollars to issue a new sticker;

i) Any person who operates a golf cart/utility vehicle and fails to receive and properly display the Permit/Sticker will be subject to all applicable state laws and be in violation of this ordinance; and

j) A permit may be revoked at any time it can be demonstrated that the operator cannot safely operate the golf cart/utility vehicle on any public streets, parking areas and traffic ways to include alleys or the vehicle is altered in any manner so as to no longer comply with this ordinance.

PENALTY PROVISION

Any person, firm, entity or corporation who violates any provision of this ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not to exceed Five Hundred (\$500) dollars. Each continuing day's violation shall be deemed a separate offense.

EFFECTIVE DATE

This ordinance shall be effective immediately upon its passage and publication as required by law.

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:

Driver means the person driving and having physical control over the golf cart.

Driver's License means an authorization issued by a State for the operation of a motor vehicle. The term includes: (1) a temporary license or instruction permit; and (2) an occupational license.

Golf Cart means a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.

Owner means the person holding the title to the golf cart.

Parking Area means those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

Permit means a certificate/decal of authorization issued to the applicant by City Hall authorizing the operation of the golf cart for which the permit was issued. The decal will display the month and year of expiration.

Permit Holder means the person to whom a golf cart permit has been issued.

Public Safety Personnel means any employee or officer of a governmental law enforcement agency or the Tuscola Fire Department.

Public Street means a publicly-owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the corporate boundaries of Tuscola.

Sidewalk means the portion of a street that is between a curb or lateral line of a roadway and the adjacent property line and intended for pedestrian use.

Slow-Moving-Vehicle-Emblem means a triangular emblem that conforms to standards and specifications adopted by the Director of the Texas Department of Transportation under Section 547.104 of the Texas Transportation Code and is displayed in accordance with Section 547.703 of the Texas Transportation Code.

Texas Transportation Code means the code as it currently exists or may be amended.

Traffic way is any land way open to the public as a matter of right or custom for moving persons or property from one place to another. The traffic way includes all property, both improved and unimproved, between the property lines of a roadway system.

Utility Vehicle is a truck with low sides designed for carrying small loads.

Working days shall mean Monday through Friday, excluding City holidays.

THE ABOVE AND FOREGOING ORDINANCE WAS READ, PASSED AND ADOPTED AT A
REGULARLY SCHEDULED MEETING OF THE GOVERNING BODY OF THIS CITY ON THE
2nd DAY OF April, 2013, BY THE FOLLOWING VOTE:
