

## **ORDINANCE 07-10-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILES, TEXAS REGULATING THE USE OF GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY LIMITS; PROVIDING FOR A FINE OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ANY ORDINANCE INCONSISTENT OR IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR NOTICE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Transportation Code, Section 551.403(b) specifically provides that a municipality may limit the operation of a golf cart on a street or highway; within its jurisdiction; and

**WHEREAS**, the City Council has determined that in the interest of safety, it is necessary to regulate the operation of golf carts on public streets and highways in the territorial limits of Miles, Texas.

**NOW, THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILES, TEXAS:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** 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.

*“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”* 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 Miles for the term that the permit was issued.

*“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.

**Section 3.** Every golf cart operated within the City of Miles shall be equipped with the following equipment which shall be operational at all times: headlights, tail lamps, reflectors, parking brakes, rearview mirror(s) and 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 §§ 551.404 and 547.703, respectively of the Transportation Code..

**Section 4.** Every golf cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and shall comply with all state, federal and city regulations.

**Section 5.** Golf carts which have been altered to allow them to travel at speeds greater than 25 mph are specifically prohibited.

**Section 6.** 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.

**Section 7.** All operators of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using any public highway in the City and will lawfully obey the following regulations:

- a. Golf carts shall not be operated on public sidewalks at any time.
- b. Golf carts may only be operated upon a public street or highway with a posted speed limit of not more than 35 mph unless otherwise restricted. Golf carts may not operate at a speed greater than 25 mph at any time in the city.
- c. A golf cart may cross a street or highway with a posted speed limit of more than



35 mph if said crossing occurs at an intersection and said crossing is perpendicular to the street or highway with a posted speed limit of more than 35 mph.

- d. All golf carts are entitled to a 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.
- e. The operator of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- f. No operator shall operate a golf cart between lanes of traffic or between adjacent lines of rows of vehicles.
- g. Golf carts shall move to the right and yield the right of way to faster moving vehicles.
- h. 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.
- i. No person may ride in the lap of the driver.

**Section 8.** Before any golf cart may be operated on the streets and highways of the City, it must be registered with and provided a permit by the City of Miles. The registration fee is \$20.00 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/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 Miles, 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 permit fee of \$20.00 for first time applicants and \$20.00 for annual renewals thereafter.

- 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 an employee of the City of Miles 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 or windshield of the driver's side of the golf cart so as to be clearly visible.

e. The registration permit shall be effective from January 1 to December 31 of the year in which it was issued or until such time as revoked for non-compliance or when the golf cart is transferred to a new owner.

**Section 9.** 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 and/or operates the cart in an unauthorized area, specifically including the use of a wireless communication device in a school zone during restricted school hours.

**Section 10.** The city registration permit is not transferable. Upon transfer of ownership to a another person who intends to operate the golf cart in Miles, the new owner must register the golf cart in his/her name and pay the required permit fee as outlined in this ordinance.

**Section 11.** Any person who shall violate any provision of this Ordinance 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. Each day of violation shall constitute a separate offense.

**Section 12.** Any ordinances which are in conflict or inconsistent with any provisions of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

**Section 13.** If any provision of this Ordinances be deemed to unlawful, illegal or invalid, such shall not affect the remainder of this Ordinance and such remainder shall be valid.

**Section 14.** The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

**Section 15.** This ordinance shall be in force and effect from and after the date of its adoption, be it so ordained.

**Passed and approved this 10th day of July, 2012.**

APPROVED:

  
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Juan Ornelas, MAYOR

ATTEST:   
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Amy Fischer, CITY SECRETARY

