

ORDINANCE 2009 - 16

AN ORDINANCE AMENDING CHAPTER 23, TRAFFIC AND MOTOR VEHICLES, BY ADDING A NEW ARTICLE VIII, GOLF CARTS

WHEREAS, the City Council of the City of Port Aransas determines that it is in the interests of the safety and welfare of the public to license and regulate the operation of golf carts on public streets and highways within the corporate limits of the City of Port Aransas, pursuant to Texas Transportation Code Section 551.404.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, COUNTY OF NUECES, STATE OF TEXAS:

Section 1. Amendment. Port Aransas Code of Ordinances Chapter 23, Traffic and Motor Vehicles, is hereby amended by the addition of a new Article as follows:

Article VIII. Golf Carts

Section 23-300. Definitions.

- (1) **Golf cart** means a motor vehicle with not less than three wheels designed by the manufacturer primarily for transporting persons on a golf course without regard to the mode of propulsion or any modifications made to the body, chassis, or any portion of the golf cart by any person. Golf carts specifically exclude go-carts, neighborhood electric vehicles, off road vehicles, utility vehicles, and all terrain vehicles, as defined by the Texas Transportation code.
- (2) **Golf cart license** shall mean a privilege granted upon compliance with terms of this chapter to legally operate a golf cart on a public street or highway within the corporate boundaries of the City of Port Aransas during the year when granted.
- (3) **Golf cart license certificate** shall mean a certificate for attachment to a golf cart carrying a serial number corresponding to the number of the golf cart license for such golf cart and showing the calendar year the license shall expire.
- (4) **Golf cart license fee** shall mean a charge imposed as specified in this chapter for the granting of golf cart license and the issuance of a golf cart license certificate.

Section 23-301. Certain operations prohibited.

The City of Port Aransas has determined that the unregulated operation of a golf cart on a public street or highway is not safe, and, pursuant to Texas Transportation Code Sections 551.403 and 551.404, prohibits the operation of a golf cart upon any public street or highway, except as permitted by this City Code.

Section 23-302. License required fee; license certificate.

- (1) No person may operate a golf cart upon any public street or highway within the corporate boundaries of Port Aransas unless said golf cart is licensed by the City of Port Aransas and a license certificate is permanently affixed to the golf cart as prescribed by this City Code.
- (2) Such license shall be purchased annually for sums to be set by City Council by resolution. The license, regardless of when purchased, shall be valid until the 31st day of December of the year purchased.
- (3) A separate license is required for every golf cart owned by an individual or entity. A golf cart license is valid only for the golf cart that it is issued to and is not transferable from one golf cart to another.
- (4) The Finance Director shall issue to each person purchasing a City license for their golf cart a golf cart license plate. The license plate shall be permanently affixed to the rear of the golf cart and displayed so that it is readily visible and identifiable from a distance of more than 50 feet.
- (5) The certificate shall be issued only upon the owner showing a valid insurance certificate or other evidence satisfying the Finance Director that the golf cart is insured consistent with state standards for motor vehicles.

Section 23-303. Duplicate license; fee.

Upon proof that the original license plate was lost, stolen, or damaged beyond recognition, a duplicate of the golf cart license certificate issued by the City shall be furnished on payment of a fee to be set by City Council by resolution.

Section 23-304. Records

The Finance Director shall maintain a record describing each golf cart licensed within the preceding two (2) years. The record shall include the name of the owner of the golf cart, the address of the owner, proof of insurance (including name of carrier and policy number), the location the golf cart is normally parked, the date the golf cart was licensed, the date the license shall expire, the make/maker of the golf cart licensed, the model of the golf cart licensed, the number of seats the golf cart has, the color of the golf cart licensed, the vehicle identification number or serial number of the golf cart licensed, the serial number of the golf cart license certificate, the fee paid for the license, and the method of fee payment.

The Finance Director shall provide a duplicate copy of the record to the Port Aransas Police Department on the first business day of every month.

Section 23-305. Traffic laws and rules of the road apply.

A golf cart licensed by the City of Port Aransas shall be operated in accordance with all laws and rules of the road enumerated in the Texas Transportation Code and by this City Code for the operation of a passenger vehicle, except those rules and laws specifically excluded or limited by this City Code.

Section 23-306. Exclusions and limitations.

The following exclusions and limitations apply to the licensing and operation of any golf cart licensed by the City of Port Aransas.

- (1) Golf carts used while evacuating persons during a declared emergency are exempt from licensing by this Code during the declared emergency and for 72 hours after the emergency.
- (2) Golf Cart license certificates may only be sold by the City of Port Aransas.
- (3) No person may display a false, fictitious, or facsimile golf cart license certificate.
- (4) No person may alter or display an altered golf cart license certificate.
- (5) Golf carts may only be operated by persons with a valid operator's permit and/or driver's license.
- (6) Golf carts may only be operated upon a public street or highway with a speed limit of not more than 35 MPH unless otherwise restricted.
- (7) Golf carts may not be operated on highway 361, south of the intersection of Avenue G.
- (8) A golf cart may cross a street or highway with a 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.
- (9) Golf carts must move to the right and yield the right of way to faster moving vehicles.

- (10) Golf carts may not be operated upon any public sidewalk, pedestrian walkway, playground, public park, school ground, or other public recreational areas, not designated for motor vehicle traffic.
- (11) All golf carts must be equipped with operational headlamps, tail lamps, reflectors, parking brakes, rearview mirrors, seatbelts and a slow moving vehicle emblem.
- (12) Golf carts are not required to display a license plate or other registration certificate issued by the State of Texas.
- (13) Golf carts are not required to display a valid motor vehicle inspection sticker.
- (14) The driver and every occupant of a golf cart must remain seated in a seat designed to hold passengers, while the golf cart is in motion.
- (15) No person may ride in the lap of the driver or any other occupant.

Section 23-307. Penalties; suspension or revocation of golf cart license.

- (1) Any violation of this Article is subject to penalties and/or fines under Section 1-15 of the General Provisions of the Municipal Code and/or applicable traffic laws.
- (2) In addition to assessment of penalties and/or fines, the Chief of Police may suspend or revoke a golf cart license if the Chief of Police or his designee determines that:
 - (a) There is a false statement of a material matter on the application for a golf cart license;
 - (b) The golf cart license holder has in excess of three (3) moving violations of this Article during a license year; or
 - (c) The golf cart license holder has failed to make timely payment of a fee or penalty for violation of this Article.
- (3) Any license holder aggrieved by a decision to suspend or revoke a golf cart license may appeal the decision to the City Manager by filing with the City Manager a written request for a hearing, setting forth the reasons for the appeal within ten (10) days after the Chief of Police or his designated representative notifies the license holder of the decision to suspend or revoke the golf cart license.
- (4) The filing of a request for an appeal hearing with the City Manager stays any action of the Chief of Police in suspending or revoking the golf cart license

until the City Manager or his designated representative makes a final decision.

- (5) The City Manager or his representative shall serve as a hearing officer at an appeal and consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. The hearing officer shall make his decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer must render a decision within 30 days after the request for an appeal hearing is filed. The hearing officer shall affirm, reverse or modify the action of the Chief of Police. The decision of the hearing officer is final as to administrative remedies with the City.

Section 2. Effective Date. As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Port Aransas.

Section 3 . Reading. As provided by Article III, Section 13 and Article III, Section 12.b. of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 5. Publication. As provided by Article III, Section 12.C., this ordinance shall be published one time in the official newspaper of the City of Port Aransas, Nueces County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 19th day of November, 2009.

CITY OF PORT ARANSAS

BY: _____


The Hon. Claude Brown, Mayor

ATTEST:



Esther Arzola, City Secretary