

AN ORDINANCE OF THE CITY OF VAN ALSTYNE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF VAN ALSTYNE, TEXAS BY AMENDING CHAPTER 42 “TRAFFIC AND VEHICLES,” BY ADDING A NEW ARTICLE III, “GOLF CARTS”; ALLOWING GOLF CART USE ON CERTAIN PUBLIC STREETS, ESTABLISHING PERMITTING AND SAFETY REQUIREMENTS FOR GOLF CARTS, ESTABLISHING ADDITIONAL REQUIREMENTS FOR GASOLINE-POWERED GOLF CARTS; PROVIDING FOR CERTAIN EXCEPTIONS APPLICABLE TO PUBLIC SAFETY PERSONNEL, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Van Alstyne, Texas (“City”) is a Type-A general law municipality under the laws of the State of Texas and is duly incorporated; and

WHEREAS, Chapter 551 of the Texas Transportation Code allows for the operation of golf carts within a municipality’s corporate borders subject to certain conditions;

WHEREAS, the Texas Transportation Code also permits municipalities to prohibit the operation of golf carts on public highways if the governing body of the municipality determines that such a prohibition best serves the general welfare and safety of the city and its residents;

WHEREAS, the use of golf carts can help reduce overall emissions and their use is an ecofriendly or “green” alternative to traditional passenger vehicles;

WHEREAS, while golf carts are not normally equipped with many of the traditional safety features that are customarily required or found on traditional passenger vehicles;

WHEREAS, passenger ejection and injuries from operating golf carts in urban settings can be reduced by requiring additional safety equipment and providing rules of operation;

WHEREAS, unlike traditional passenger vehicles, golf cart vehicle identification numbering can be easily removed or altered;

WHEREAS, establishing a golf cart registration and permitting program will help promote the recovery and return of golf carts to their rightful owners in the event of loss or theft;

WHEREAS, the City Council of the City of Van Alstyne has determined that the adoption of this Ordinance establishing regulations for the operation of golf carts on public streets and related safety, registration and permitting requirements best serves the general welfare, health and safety of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS, THAT:

Section 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Amendment to Chapter 42 (Traffic and Vehicles) to the City of Van Alstyne Code of Ordinances by adopting a new Article 3, entitled "Golf Carts" to read as follows:

"Chapter 42 – Traffic and Vehicles.

ARTICLE III. – GOLF CARTS.

Sec. 42-100. - Definitions

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/or 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 instructional permit; and (2) an occupational license.

Golf Cart means a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course as defined by Texas Transportation Code § 551.401. A golf cart does not include a Neighborhood Electrical Vehicle (a vehicle that complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R 571.500)).

Owner means the person holding 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 the City's Police Department 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 Van Alstyne Fire Department.

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 means 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.

Working Days means Monday through Friday, excluding City holidays.

Sec. 42-101 - Golf carts permitted and restricted.

A person may operate a golf cart on a public street, parking area and/or traffic way if the person obtains a permit and meets the following requirements:

- a) Golf carts may only be operated on a public street if the maximum speed limit on the public street is thirty-five (35) miles per hour or less. Regardless of the posted speed limit, the maximum speed for any golf cart within the City limits is thirty (30) miles per hour.
- b) The person has a valid driver's license.
- c) The person maintains or is covered by current financial responsibility for the golf cart, as required of other passenger vehicles in Section 601.051 of the Texas Transportation Code. Proof of financial responsibility for the golf cart must be either: (1) vehicle-specific coverage similar to that for other motor vehicles in the State of Texas, or (2) if insured by homeowner's policy or a general liability policy, the golf cart must be specifically covered by the policy.
- d) The person complies with all applicable federal, state, and local laws and ordinances, including but not limited to the Texas Transportation Code.
- e) The golf cart 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 (2) front, amber in color and two (2) rear, red in color);
 - (4) Parking brake;
 - (5) Rearview mirror(s), capable of a clear, unobstructed view of at least two hundred feet (200') to the rear; and
 - (6) Slow-moving vehicle emblem.
- f) The equipment described herein meets the Texas and Federal Motor Vehicle Safety Standards, as they exist or may be amended.

- g) While the golf cart is in motion, the driver and every passenger in a golf cart is seated in a seat designed to hold passengers. No person may stand or ride in the lap of the driver and/or other passenger of a golf cart while it is moving.

Sec. 42-102 – Additional requirements for golf carts powered by gasoline.

In addition to the requirements set forth above, every golf cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and in constant operation and meet the following specifications:

- (a) The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler and exhaust pipes or including any and all parts specified by the manufacturer.
- (b) The exhaust system and its elements shall be securely fastened with brackets or hangers, which are designed for the particular purpose of fastening golf cart exhaust systems.
- (c) The engine and powered mechanism of every golf cart shall be so equipped, adjusted and tuned so that the exhaust is in good working order.
- (d) It shall be unlawful for the Owner of any golf cart to operate or permit the operation of such golf cart on which any device controlling or abating atmospheric emissions which is placed on a golf cart by the manufacturer is rendered unserviceable by removal, alteration or which interferes with its operation.
- (e) The engine and powered mechanism of every golf cart shall be so equipped, adjusted and tuned so that the exhaust is in good working order.

Sec. 42-103 – Additional operational regulations for all golf carts.

- (a) A golf cart shall not be operated on any sidewalk, pedestrian walkway, jogging path, park trail or any location normally used for pedestrian traffic.
- (b) All golf carts are entitled to a full use of a lane on an authorized public street, parking areas and traffic ways, and no motor vehicle shall be driven in such a manner as to deprive any golf cart of the full use of a lane.
- (c) The driver of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (d) No driver shall operate a golf cart between lanes of traffic or between adjacent lines or rows of vehicles.
- (e) The driver of a golf cart operating the golf cart on an authorized public street may only cross a multi-lane federal, county or state route at an intersection controlled by an official traffic control device which stops traffic from all directions. The driver of a golf cart may cross a multi-lane road, other than a federal, state, or county route, if it is required to cross from one portion of a golf course to another portion of the same golf course. If a golf cart crossing path is provided for transition between one section of a golf course to another section of the same golf course across a multi-lane road, the operator shall cross at and within the golf cart crossing path.
- (f) The number of occupants in a golf cart shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart.

- (g) Children must be properly seated while a golf cart is in motion and may not be transported in a reckless or negligent manner. No person younger than six (6) years of age may be transported in a golf cart unless restrained by a safety belt restraint.
- (h) A golf cart may not be used for the purpose of towing another golf cart, trailer or vehicle of any kind including, but not limited to, a person on roller skates, skateboard, or bicycle. A person employed by a golf course may tow a golf cart(s) for the purpose relocating the cart(s) from one portion of a golf course to another portion of the same golf course.
- (i) A golf cart shall not be operated at night, during inclement weather or when visibility is impaired by weather, smoke, fog, or other condition, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of five hundred feet (500').

Sec. 42-104 – Liability.

- (a) Nothing in this Article shall be construed as an assumption of liability by the City of Van Alstyne for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart by an authorized driver.
- (b) The Owner of a golf cart is fully liable and accountable for the action of any individual that they provide permission to operate and drive said golf cart, both on personal and/or any authorized public streets, parking areas and traffic ways. This described liability responsibility especially applies to personal injuries (including death) or property damage resulting from golf cart drivers who are under the age of twenty-one (21) years old.

Sec. 42-105 –Permit required.

- (a) Effective January 1, 2021, no person shall operate, cause to be operated or allow the operation of a golf cart on any authorized public streets, parking areas and traffic ways unless a valid permit has been issued for the golf cart or otherwise allowed by law. A permit is not required for any golf cart owned or leased by a golf course and used exclusively on the golf course or crossing from one section of the course to another section of the course. A permit is not required for a privately-owned golf cart used exclusively on a golf course or crossing from one section of a golf course to another section of the same course. Any golf cart exempted from permitting under this section shall not be operated outside of a golf course, except as permitted herein.
- (b) Application for a permit authorizing the operation of a golf cart shall be made by a person who owns, leases or otherwise uses a golf cart. Such application shall be made in writing to the City's Police Department on a form designated for that purpose. On such application shall be set forth the following:
 - (1) The name, address, telephone number and state driver's license number of the permit holder;
 - (2) The street address where the golf cart shall be kept, including the particular suite or apartment number, if applicable;
 - (3) The business name used for the premises where the golf cart shall be kept, if applicable;

- (4) The year, make, model, color, vehicle identification number or serial number if no vehicle identification number has been issued to the golf cart, electric or gasoline; and
 - (5) The person(s) and location, designated by the City's Police Department, that inspected the golf cart, including a certification by said inspector that the golf cart complies with the requirements of this Ordinance before the issuance of a permit.
- (c) Upon issuance of a permit, the holder will be issued two (2) decals, one of which shall be permanently affixed to the driver's side front, and one of which shall be permanently affixed to the driver's side back of the golf cart in such a manner that it is clearly visible from fifty feet (50'). The permit must not be damaged, altered, obstructed, or otherwise made illegible. The permit holder shall apply for replacement permit and pay all applicable cost associated with the issuance and inspection of the golf cart.
 - (d) The permit shall only be placed upon the golf cart for which it was issued.
 - (e) A permit issued to a golf cart shall become invalid if the golf cart is altered in a manner that fails to comply with any requirement of this Ordinance.
 - (f) Permits/Stickers are valid for a period of (1) one calendar year. The fee is listed in the City's Fee Schedule.
 - (g) The permit holder shall notify the City's Police Department within ten (10) working days if the golf cart transfers ownership or the address of the normal storage location has changed. The information shall be submitted on a form designated by the City's Police Department.
 - (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 Permit/Sticker. If no record can be found of a previous application, or the receipt of a Permit/Sticker, the City's Police Department may direct the applicant to reapply, and also resubmit any and all fees necessary before a replacement Permit/Sticker is issued.
 - (i) Any person who operates a golf cart and fails to receive and/or properly display a City Permit/Sticker will be subject to all applicable state laws, in addition to being in violation of this Ordinance.
 - (j) A permit may be revoked at any time by the City's Police Department, for conviction(s) for violating any federal, state or local law related to the operation of a golf cart, including but not limited to this Ordinance.
 - (k) Notwithstanding anything within this Article to the contrary, a golf cart may be operated:
 - (1) in a master planned community:
 - (a) that has in place a uniform set of restrictive covenants; and
 - (b) for which a county or municipality has approved a plat;
 - (2) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:
 - (a) during the daytime; and
 - (b) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.
 - (3) Nothing in this Article shall supersede Section 551.403 of the Texas Transportation Code, as amended.
 - (l) Notwithstanding anything within this Article to the contrary, a golf cart may be operated in conjunction with a Special Event Permit issued under Chapter 36, Article VI (Special Events) of the Code of Ordinances without the need for an annual permit under this Article.

Such permit shall be limited to the time covered by the Special Event Permit and operation of a golf cart shall be permitted only in support of the Special Event permitted.

Sec. 42-106 – Public safety personnel exempted.

Public Safety Personnel are exempt from this Ordinance when using a golf cart in the performance of his/her duties.”

Section 3. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Van Alstyne hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 5. Penalty. Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to the penalty provisions set forth in Section 1-13 of the Code of Ordinances, City of Van Alstyne, Texas, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 6. Caption Publication. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of Van Alstyne following the City Council’s adoption hereof as provided by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS ON THE 13th DAY OF OCTOBER, 2020.

CITY OF VAN ALSTYNE, TEXAS

Jim Atchison, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Jennifer Gould, City Clerk

DATE OF PUBLICATION: Van Alstyn Leader, October 23, 2020