

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE PORT ARANSAS CITY COUNCIL AMENDING CHAPTER 23, ARTICLE IV "TRAFFIC AND MOTOR VEHICLES" AND CHAPTER 23, ARTICLE VIII "GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES"; ADDING ADDITIONAL PARKING PROHIBITIONS; AND PROVIDING FOR SEVERANCE, READING, AND EFFECTIVE DATE.

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

SECTION 1. AMENDMENT

That Chapter 23, Article IV "Traffic and Motor Vehicles", and Chapter 23, Article VIII, "Golf Carts and Neighborhood Electric Vehicles are hereby amended to wit:

CHAPTER 23 ARTICLE IV – TRAFFIC AND MOTOR VEHICLES

Sec. 23-115. Chief of police to designate hazardous locations.

The chief of police is hereby authorized to determine and designate by ~~proper~~ appropriate and conspicuous notice signs places in which the stopping, standing or parking of vehicles would create an especially hazardous condition, nuisance to the public or ~~would cause~~ an unusual delay to traffic. Conspicuous notice would include but not be limited to signage or "red striping" of said places.

(Code 1980, Ch. 9, § 5(F)(1))

Sec. 23-116. Parking restricted or prohibited on certain streets

- (a) The provisions of this section prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified as indicated on official signs except where it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.
- (b) When ~~signs are erected giving~~ appropriate and conspicuous notice ~~is provided thereof,~~ no person shall park a vehicle at any time upon and along the following streets, street rights-of-way, or upon any public property adjacent to and within fifteen (15) feet of such street in any manner other than set out in (a) above. Some streets may have the parking prohibition limited to one side of the street only. When practicable, the right side of the street as you enter from the primary arterial, will be the prohibited side to accommodate emergency vehicles entry;

- (1) J.C. Barr Boulevard;

- (2) Cotter Street from the ferry landing to Station Street;
- (3) Avenue G;
- (4) Alister Street from Cotter Street to Avenue G;
- (5) State Highway 361 from Avenue G south to the corporate city limits;
- (6) The west side of Station Street from the High School Drive entrance south to the Elementary School drive entrance, Monday through Friday between the hours of 7:00 a.m. through 4:00 p.m.
- (7) **Anchor Drive (one side only)**
- (8) **Ninth street (between Ave G and Ave I)**
- (9) **Church street**
- (10) **N. Palomino**
- (11) **Marlin Azul**
- (12) **Sandkey**
- (13) **Sandcastle (from LaPlaya to Gulf beach)**
- (14) **Sandy Lane**
- (15) **Gage Way**
- (16) **Parkplace**

It shall be prohibited to park within 75' of a Stop Sign on all public streets facing Hwy 361 South of Avenue G.

(Code 1980, Ch. 9, § 5(B)(1), (2); Ord. No. 59-12, § 1, 10-19-89; Ord. No. 2008-20, § 1C, 10-16-08)

Sec. 23-117. ~~Parking signs~~ Conspicuous notice required.

Whenever in any provision of this Code any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the ~~city~~ **City maintenance engineer to provide appropriate conspicuous notice of such limits or prohibitions place appropriate signs.** ~~No~~

such regulation shall be effective unless such ~~signs are erected and~~ notice is in place at the time of any alleged offense.

(Code 1980, Ch. 9, § 5(B)(3))

Sec. 23-118. No parking zones.

- (a) Whenever and wherever the congestion of traffic, the frequency of passage of vehicles or pedestrians or both, the direction of the flow of traffic and the dimension of the streets are such that the chief of police finds it to be necessary for the free flow and the expeditious handling of traffic and the safety of persons and property, the chief of police is authorized to determine and allocate "no parking" zones on the streets and is thereby authorized to direct the city maintenance engineer to erect appropriate signs giving notice thereof. The chief of police, upon making this determination, is authorized to have the signs removed whenever he deems necessary. The chief of police is further authorized to either have signs posted or removed along those streets.

(b) Parking on or obstructing a public sidewalk is prohibited at all times.

(Code 1980, Ch. 9, § 5(B)(4))

CHAPTER 23 ARTICLE VIII – GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES

Sec. 23-300. Definitions.

Golf cart means a motor vehicle with not less than three (3) 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.

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.

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.

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.

Golf cart rental business shall mean any business or individual that provides golf carts or NEV's to the general public or any business or individual transaction that includes a golf cart or NEV for use including but not limited to rental of a hotel/motel room, or dwelling unit who's rental includes use of a golf cart or NEV.

Low-speed vehicles (LSVs) also known as neighborhood electric vehicles (NEVs).

Neighborhood electric vehicles (NEVs) shall include all vehicles defined by V.T.C.A., Texas Transportation Code § 551.301.

(Ord. No. 2009-16, § 1, 11-19-09; Ord. No. 2013-05, § 1, 6-20-13; Ord. No. 2015-14, § 1, 12-17-15)

Sec. 23-301. Certain operations prohibited.

The City of Port Aransas has determined that the unregulated operation of a golf cart or NEVs on a public street or highway is not safe, and, pursuant to V.T.C.A., 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.

(Ord. No. 2009-16, § 1, 11-19-09; Ord. No. 2013-05, § 1, 6-20-13)

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

- (a) 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.
- (b) 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 thirty-first day of December of the year purchased.
- (c) 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 (1) golf cart to another.
- (d) 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 fifty (50) feet.
- (e) 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.
- (f) NEV's licensing shall comply with the Texas Department of Motor Vehicles.

(Ord. No. 2009-16, § 1, 11-19-09; Ord. No. 2013-05, § 1, 6-20-13)

Sec. 23-303. Golf cart duplicate license; fee.

Upon proof that the original golf cart 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.

(Ord. No. 2009-16, § 1, 11-19-09; Ord. No. 2013-05, § 1, 6-20-13)

Sec. 23-304. Golf cart 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/manufacture 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.

(Ord. No. 2009-16, § 1, 11-19-09; Ord. No. 2013-05, § 1, 6-20-13)

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

A golf cart licensed by the City of Port Aransas and NEVs 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.

~~If a golf cart, legally licensed or not is stopped by any authorized law enforcement officer for one or more of the following reasons:~~

- ~~(a) Driving on portions of State Highway 361 South of Avenue G, driving on sidewalks, on public beach within 50 feet of Gulf's water edge and any other, or any other areas where golf carts are specifically prohibited~~
- ~~(b) Operator does not possess a valid motor vehicle operator's permit or driver's license. The golf cart operator will be appropriately cited and the offending cart moved to the closest safe public street or road. Cart shall be parked and then immobilized by the enforcing officer. A passenger vehicle for hire (taxi) voucher will be provided for the cart operator and any passengers for transport to their current place of occupancy within the Port Aransas city limits if needed. The registered golf cart owner of record or their designee will be called to retrieve the cart at the first available opportunity. Immobilization device may be removed and cart retrieved by an authorized employee of a registered golf cart rental company. If a personal cart, immobilization device may be removed and cart retrieved with assistance by PAPD or authorized City employee.~~

(Ord. No. 2009-16, § 1, 11-19-09; Ord. No. 2013-05, § 1, 6-20-13)

Sec. 23-306. Exclusions and limitations.

- (a) The following exclusions and limitations apply to NEVs and 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 seventy-two (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 and NEVs may only be operated by persons with a valid operator's permit and/or driver's license.
- (6) Golf carts and NEVs may only be operated upon a public street or highway with a speed limit of not more than thirty-five (35) MPH unless otherwise restricted.
- (7) Golf carts and NEVs may not be operated on highway 361, south of the intersection of Avenue G.
- (8) A golf cart and NEVs may cross a street or highway with a speed limit of more than thirty-five (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 thirty-five (35) MPH.
- (9) Golf carts and NEVs must move to the right and yield the right-of-way to faster moving vehicles.
- (10) Golf carts and NEVs 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 and NEVs 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; however, NEVs shall display all required plates and certifications.
- (13) Golf carts and NEVs are not required to display a valid motor vehicle inspection sticker.
- (14) The driver and every occupant of a golf cart and NEV must remain seated in a seat designed to hold passengers, while the golf cart or NEV is in motion.
- (15) No person may ride in the lap of the driver or any other occupant.
- (b) All golf cart rental businesses shall provide a written contract on their own form that is signed by each designated driver. Said contract shall include, at a minimum, the exclusions and limitations in bold print on the front or first page of said contract form as follows:
 - (1) Golf carts and NEVs may only be operated by persons with a valid operator's permit and/or driver's license.

- (2) Golf carts and NEVs may only be operated upon a public street or highway with a speed limit of not more than thirty-five (35) MPH unless otherwise restricted.
- (3) Golf carts and NEVs may not be operated on Highway 361, south of the intersection of Avenue G.
- (4) A golf cart and NEVs may cross a street or highway with a speed limit of more than thirty-five (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 thirty-five (35) MPH.
- (5) Golf carts and NEVs must move to the right and yield the right-of-way to faster moving vehicles.
- (6) Golf carts and NEVs may not be operated upon any public sidewalk, pedestrian walkway, playground, a public park, school ground, or other public recreational areas, not designated for motor vehicle traffic.
- (7) The driver and every occupant of a golf cart and NEV must remain seated in a seat designed to hold passengers, while the golf cart or NEV is in motion.
- (8) No person may ride in the lap of the driver or any other occupant.
- (c) Each golf cart and NEV shall prominently display, in view of the driver, the official rules notice, sticker and/or placard. **Additionally, a map of the City showing key driving information such as prohibited areas and legal crossings must be in each registered cart. Both sticker and map shall be** provided ~~solely~~ by the city at the time of application **with additional copies available at City Hall.**

(Ord. No. 2009-16, § 1, 11-19-09; Ord. No. 2013-05, § 1, 6-20-13; Ord. No. 2015-14, § 1, 12-17-15)

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

- (a) **Not withstanding Section 23-305, 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.
- (b) 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:
 - (1) There is a false statement of a material matter on the application for a golf cart license;
 - (2) The golf cart license holder has in excess of three (3) moving violations of this article during a license year; or
 - (3) The golf cart license holder has failed to make timely payment of a fee or penalty for violation of this article.
- (c) 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.

- (d) 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.
- (e) 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 thirty (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.

(Ord. No. 2009-16, § 1, 11-19-09)

Secs. 23-308—23-314. Reserved.

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 upon adoption on third and final reading.

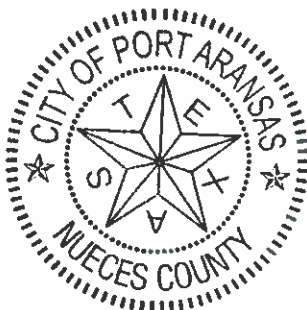
SECTION 3. READING.

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.

PASSED, ORDAINED, APPROVED and ADOPTED this the 20th day of APRIL, 2023.



CITY OF PORT ARANSAS, TEXAS


Wendy Moore, Mayor

ATTEST:

A handwritten signature in black ink, reading "Francisca Nixon", written over a horizontal line.

Francisca Nixon, City Secretary

First Reading: February 23, 2023

Second Reading: March 23, 2023

Third Reading: April 20, 2023