

ORDINANCE NO. 2013-05

AN ORDINANCE AMENDING THE CITY OF PORT ARANSAS CODE OF ORDINANCES CHAPTER 23 “TRAFFIC AND MOTOR VEHICLES”, ARTICLE VIII. “GOLF CARTS” BY ADDING A DEFINITION AND REFERENCE TO NEIGHBORHOOD ELECTRIC VEHICLES (NEV) IN SECTIONS 23-300, 23-301, 23-302, 23-305 AND 23-306; REQUIRING NEV COMPLIANCE WITH TEXAS DEPARTMENT OF MOTOR VEHICLES; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. AMENDMENT

That Chapter 23 “Traffic and Motor Vehicles”, Article VIII “Golf Carts and Neighborhood Electric Vehicles (NEVs)” as follows, with deletions being shown by interlineation and additions by underlining:

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.

Low-Speed Vehicles (LSVs) also known as Neighborhood Electric Vehicles (NEVs).

Neighborhood Electric Vehicle (NEVs) shall include all vehicles defined by Section 551.301 of the Texas Transportation Code.

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 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.

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.

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.

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.

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.

Sec. 23-306. - Exclusions and limitations.

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.

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 purpose of same.

PASSED, ORDAINED, APPROVED and ADOPTED this the 20th day of ***JUNE***, 2013.

CITY OF PORT ARANSAS, TEXAS

Keith McMullin, Mayor

ATTEST:

Irma G. Parker, City Secretary

First Reading: 04/18/2013
Second Reading: 05/16/2013
Third Reading: 06/20/2013