

ORDINANCE NO. 7782

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 16-5, TO ADD ARTICLE III TO PROVIDE AUTHORIZATION TO OPERATE GOLF CARTS ON STREETS IN DOWNTOWN CENTRAL BUSINESS DISTRICT, SETTING MINIMUM STANDARDS, RESTRICTIONS, PERMIT PROCESS, AND OFFENSES; PROVIDING CLAUSES FOR SEVERABILITY, REPEALER, PENALTY, PUBLICATION, AND EFFECTIVE DATE.

WHEREAS, the City Council finds that traffic management will be a refreshing challenge in downtown, with the opening of the Multi-Purpose Event Venue, new restaurants, and hotels; and the continuing successful concerts, games, and other events and tenants of the Amarillo Civic Center and Globe News Center; and,

WHEREAS a home rule municipality is vested with legal authority to control vehicles upon its public streets, alleys, and other rights-of-way; and,

WHEREAS, the City Council has received information from citizens, Police Department, and Traffic Engineering Department supporting a trial program to authorize the use of golf carts for passenger transportation, to promote the widest possible usage of all available parking lots and garages throughout downtown central business district, even if not immediately adjacent to event venues; and,

WHEREAS, Texas Transportation Code, section 551.404, allows a City to enact an ordinance regulating the use of golf carts in certain areas, upon certain city streets pursuant to various restrictions; and

WHEREAS this ordinance is intended to be a pilot program and shall sunset as provided herein if it is not timely renewed, extended, or replaced.

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

SECTION 1. The Amarillo Municipal Code, Chapter 16-5, be and hereby is amended to add an Article III to read as follows:

**CHAPTER 16-5. - CENTRAL BUSINESS DISTRICT PARKING
AND TRANSPORTATION**

* * *

Secs. 16-5-35 to 16-5-44. Reserved.

ARTICLE III. – GOLF CART TRANSPORTATION

Sec. 16-5-45. Definitions.

For the purposes of this Article, the following terms have the meaning shown.

(a) Event Venue, means any and all of the following facilities, jointly or separately, the Amarillo Civic Center (Exhibit Halls, Auditorium, Arena, Plaza); Amarillo Globe News Center, Amarillo Multi-Purpose Event Venue (Hodgetown).

(b) *Golf Cart*, means a motor vehicle designed by the manufacturer primarily for use on a golf course, with a maximum speed capability of 25 miles per hour and, has mounted on the vehicle that equipment and accessories described in Texas Transportation Code section 551.404(b) as amended.

(c) *Operator*, means the person driving a Golf Cart as authorized by this Article.

(d) *Owner*, means a person who holds legal title to a Golf Cart; has the legal right to possess a Golf Cart; or has the legal right of control of a Golf Cart.

(e) *Parking Facility(ies)*, means a parking lot or parking garage.

Sec. 16-5-46. Authorized use and territory.

(a) It is lawful for a Golf Cart with a Permit to be operated upon those public streets and alleys within the downtown central business district having a speed limit of less than 35 miles per hour, for the purpose of transporting passengers to and from Parking Facilities, Event Venues, and along streets as allowed in section (b) below. Operation of a Golf Cart as provided in this Article is a privilege and shall comply with the provisions of this Article.

(b) Within the Central Business District, the driving of Golf Carts and the loading and unloading of passengers may occur on or along any street not prohibited by this subsection. A Golf Cart shall not drive upon any of the following streets which are designated components of the state highway system: Buchanan, Fillmore, Pierce, or Taylor Streets, but a Golf Cart is allowed to safely cross such streets at intersections. Where applicable, Golf Cart operation authorized in this section may cross a road or street that has a posted speed limit of 35 miles per hour or higher only at an intersection and in compliance with any traffic control device and, in the absence or malfunction of a traffic control device, then the Golf Cart must yield to the cross traffic upon the road or street with the 35 mph or higher speed limit.

(c) This section does not apply to or authorize the use of Neighborhood Electric Vehicles as defined in Texas Transportation Code, chapter 601, or the use of any other type of vehicle that is not defined by state law as being a Golf Cart, such as but not limited to all-terrain vehicles, motorized utility carts, or other vehicles not recognized as a Golf Cart by the Texas Transportation Code.

Sec. 16-5-47. Requirements.

(a) *Vehicle*. In addition to the mandatory characteristics and equipment required to meet the definition of an authorized "Golf Cart" as defined in 16-5-45(b) and 16-5-46(b), the following equipment is also mandatory to be present upon and shall be operable and in-use on a Golf Cart when operating as authorized in section 16-5-46(a):

1. The international sign for a slow moving vehicle (reflective orange triangle with red trim) must be attached to the rear of the vehicle, so as to be fully visible to a vehicle operator approaching the Golf Cart from the rear.

2. A revolving or flashing amber or yellow beacon affixed at a height higher than the the Golf Cart, so as to be visible 360 degrees around the cart. This beacon may be roof-top mounted or pole mounted.

3. Each headlamp and tail lamp required by state law (see definition of *Golf Cart*), the beacon required by this section, and any other light must be activated and used at all times when a Golf Cart is being operated pursuant to this Article, without regard to day or night hours.

4. A strip of red, yellow, white, or combination color of reflective tape, being at least six (6) inches in length and one (1) inch or more in width, attached on the two sides of the cart, positioned at or approximate to the middle and center of each side as the vehicle as its structure reasonably allows.

5. Have a City-issued permit displayed on the front windshield.

(b) *Operator.* At all times while operating a Golf Cart as authorized by section 16-5-46

shall:

1. Be at least 18 years old.

2. Have upon his or her person a valid state driver's license issued to such operator.

3. Wear a reflective vest covering the upper torso of the driver's body which complies with the standards for a class II ANSI Safety Vest.

4. Operate the Golf Cart in full compliance with all traffic laws, traffic control devices, applicable state law, and City ordinances, including this Article.

5. Not drive, park, or stand a Golf Cart upon a public sidewalk, curb of a public street, or the lawn at any Event Venue or Parking Facility.

6. Not drive upon a street prohibited in section 16-5-46(b) except as allowed for crossing at an intersection.

7. Upon request of any peace officer, present the proof of insurance required to be in each Golf Cart.

8. Not use a Golf Cart to tow a trailer or other vehicle while transporting passengers.

(c) *Owner:*

1. Shall at all times have and keep in force motor vehicle liability insurance upon each Golf Cart being operated as authorized in section 16-5-46, which is issued by a carrier authorized to issue such insurance in Texas, with combined single limit of not less than \$1 million. Proof of current insurance in force shall be kept in each Golf Cart to be presented when requested by a peace officer.

2. Shall allow or provide only Operators who meet or exceed the requirements of subsection (b), above to operate a Golf Cart authorized by this Article.

3. Shall allow or provide Golf Carts to be used for the purposes authorized by sec. 16-5-146 which are in safe and sound mechanical condition and which meet or exceed the requirements for a Golf Cart specified in sections 16-5-45(b) and subsection (a) of this section.

Sec. 16-5-48. Permit required; process

(a) Requirement. The owner of each golf cart to be used on public streets in accordance with section 16-5-46 shall first apply for, pay the required fee, and obtain an annual City permit which must be display on the Golf Cart for which the permit is issued.

(b) Process. The Downtown Transportation Coordinator shall prescribe the application form and collect the fee and issue Golf Cart Permits that expire one year after date of issuance.

1. Applications must be signed by the Owner or agent of the Golf Cart to be registered.

2. The authorized fee that must be paid with the submission of the application is \$20 for each permit application for each Golf Cart.

3. Owner must submit proof of the insurance required by section 16-5-47(c).

(c) Refusal, Revocation, and Appeal. The Downtown Transportation Coordinator Office shall issue an annual permit upon receiving a completed application with the required payment and proof of required insurance. The Office shall refuse to issue a permit due to: incomplete or misleading information in the application; nonpayment of required fee; or, the failure or refusal to provide acceptable proof of required insurance. An issued permit may be revoked for: discovery of facts that would have been grounds for refusal of the permit; misuse of a Permit on more than the single vehicle for which it was issued; or, discovery the vehicle does not meet the definition and requirements of this Article to be a Golf Cart. An Owner may appeal a Refusal or Revocation to the City Manager or designee, who shall promptly hear and render a decision in the matter. Such decision is final.

Sec. 16-5-49 Offenses.

(a) An Operator commits an offense by:

1. Operating a Golf Cart in a place not authorized in sections 16-5-46 or 16-5-47(b) (5) or (6).
2. Operating a Golf Cart in violation of an equipment requirement stated in sections 16-5-47(a) or 16-5-45(b)
3. Operating a Golf Cart in violation of an Operator Requirement as stated in section 16-5-47(b).
4. Operating a Golf Cart on a public street in the Central Business District without displaying the required City permit per section 16-5-48.
5. Operating a Golf Cart with passengers on-board and tows another vehicle per section 16-5-47(b).

(b) An Owner commits an offense by:

1. Operating or allowing operation of a vehicle that does not contain the characteristics to meet the definition or the further requirements to be a Golf Cart in sec. 16-5-45(b) or the further requirements of sec. 16-5-47(a).
2. Operating or allowing operation of a golf cart without motor vehicle insurance required by sec.16-5-47(c), or having proof of such insurance in a Golf Cart when a peace officer asks to see it.
3. Allowing a person to operate a Golf Cart who does not meet or exceed the requirements of sec. 16-5-47(b).
4. Operating or allowing operation of a Golf Cart on a public street in the Central Business District without displaying a valid City permit, section 16-5-48.
5. Operating or allowing operation of a Golf Cart in a place prohibited by section 16-5-46(b)

(c) Prosecution, penalty upon conviction, and other procedural matters shall be as provided in sec. 1-1-5 of this Code of Ordinances or applicable state law.

Sec. 16-5-50. Sunset.

This Article is enacted as a trial program and shall expire and be automatically repealed at midnight local time on December 31, 2019, unless the City Council acts to renew, extend, amend, or replace this Article.

SECTION 2. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 3. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 4. Penalty. A violation of this ordinance is an offense punishable in accordance with Section 1-1-5 of this code of ordinances.

SECTION 5. Publishing and Effective Date. This ordinance shall be published and become effective according to law. This Ordinance is enacted as a trial program and shall expire and be automatically repealed at midnight local time, on December 31, 2019

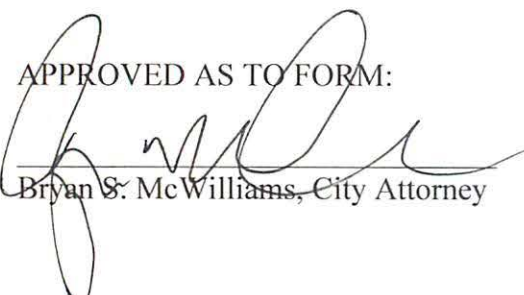
INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 2nd day of April, 2019; and PASSED on Second and Final Reading the 9th day of April, 2019.


Ginger Nelson, Mayor

ATTEST:


Frances Hibbs, City Secretary

APPROVED AS TO FORM:


Bryan S. McWilliams, City Attorney

Please print the following once a week for two consecutive weeks:

NOTICE OF PASSAGE OF ORDINANCE

Ordinance No. 7782 passed on April 9, 2019, amending the Amarillo Municipal Code, Chapter 16-5, to add Article III to provide authorization to operate golf carts on streets in Downtown Central Business District, setting minimum standards, restrictions, permit process, and offences; providing clauses for severability, repealer, penalty, publication and effective date.

It is an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 1-1-5 of the Amarillo Municipal Code of Ordinances.

This ordinance shall become and be effective on and after ten (10) days following the date of its second publication as required by the Charter of the City of Amarillo but in no event later than April , 2019.

Frances Hibbs, City Secretary



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