

ORDINANCE NO. 410

AN ORDINANCE OF THE CITY OF RICHWOOD, TEXAS AMENDING CHAPTER 20, "TRAFFIC" OF THE CODE OF ORDINANCES TO PERMIT THE USE OF GOLF CARTS IN THE CITY ON CERTAIN PUBLIC STREETS SUBJECT TO COMPLIANCE WITH PERMIT REGISTRATION, HAVING SPECIFIED SAFETY EQUIPMENT AND MOTOR VEHICLE INSURANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT ONLY; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, Texas Transportation Code Section 551.403 authorizes the governing body of a municipality to regulate and control the operation of golf carts (golf carts only) within the city's legal boundaries and on its public streets to ensure the public safety of the community, and

WHEREAS, Texas Transportation Code Section 551.404 establishes specific requirements for each municipal government and additionally authorizes the governing body of a municipality to regulate and enforce other standards of operation with may be particular to its unique situation, and,

WHEREAS, golf carts can help to reduce overall emissions and their use is an eco-friendly or 'green' alternative to traditional passenger vehicles.

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

Section 1. Definitions:

Golf Cart: a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. It must have a minimum of four wheels and has an attainable speed of not greater than 25 mph on a paved surface and is in compliance with federal motor vehicle safety standards for low speed vehicles.

Neighborhood Electric Vehicles: a vehicle that can attain a speed of not more than 35 mph on a paved surface and is operated on electric power.

Parking or Standing: the standing or stopping of a vehicle whether occupied or not, other than temporarily for the purpose of and while actually engaging in loading or unloading of merchandise or passengers.

Parking Area: those areas accessible to the public by motor vehicle traffic and which are designed for temporarily parking of motor vehicles, such as parking lots.

Required Equipment: and its installation and maintenance must meet the standards as provided for in the Texas Transportation Code as it exists or hereafter amended.

Daytime: The period beginning one half hour (30 minutes) after sunrise to one half hour (30 minutes) before sunset.

Nighttime: The period between one half hour (30 minutes) before sunset to one half hour (30 minutes) after sunrise.

Right of Way: A general term denoting land, property, or interest acquired for and devoted to transportation purposes; the area between the roadway and sidewalk, the area between the roadway and drainage (ditch) area.

Section 2. Operator Regulations:

All operators of a golf cart or neighborhood electric vehicle SHALL:

1. Be licensed to operate a motor vehicle as outlined in the Texas Transportation Code, 521.021 and carry a valid driver license and be at least 18 years of age. All state law's pertaining to driver license permissions and restrictions shall apply to the operation of the golf cart or the neighborhood electric vehicle.
2. Obey all state and local traffic regulations which are applicable to motor vehicle traffic.
3. The operator of the golf cart shall use appropriate hand signals when turning if the golf cart is not equipped with turn signals. A neighborhood electric vehicle MUST be equipped with turn signals.
4. Not operate the golf cart or the neighborhood electric vehicle anytime other than day light hours.
5. Not operate or park on a sidewalk or walking trail at any time
6. Not use the golf cart or neighborhood electric vehicle to pull any person or object at any time.
7. Not to exceed the carrying capacity of the golf cart or the neighborhood electric car as designed by the manufacturer.
8. Remain seated at all times while the golf cart or the neighborhood electric vehicle is in motion and ensure that all passengers do the same. Passengers can be issued a citation for not remaining seated while the vehicle is motion.

9. Not allow a passenger younger than five (5) years of age to ride on the golf cart or the neighborhood electric car.
10. Maintain financial responsibility as defined in the Texas Transportation Code, 601.051.
11. Not allow an unlicensed driver to operate the golf cart or the neighborhood electric vehicle.
12. Not operate the golf cart or neighborhood electric vehicle on Highways 288-B (N Brazosport Blvd) or FM 2004 or College Street or cross such roadways or operate such vehicle in the right of ways adjacent to listed roadways.

Section 3. Operation of a Golf Cart:

1. A golf cart cannot be driven across intersections where the cross street has a posted speed limit of more than 35 mph.
2. Nighttime driving of golf carts and driving golf carts thirty (30) minutes prior to sunset is prohibited. Golf carts can only be driven during daylight hours.
3. Daytime (daylight hours) is defined as the period beginning one-half hour after sunrise and ending one-half hour before sunset.
4. An operator of the golf cart cannot drive the golf cart more than two (2) miles from the location where the golf cart is usually parked.
5. The golf cart must display a “slow moving vehicle” emblem. “Slow Moving Emblem” means a triangular emblem that conforms to standards and specifications and as referenced in section 547.001(8) of the Texas Transportation Code.
6. The golf cart must display a City of Richwood Inspection Sticker which will be issued by the police department. All golf carts will be inspected January of every year to ensure proper functioning equipment as outlined below.
7. Must be equipped with the following fully operational equipment:
 - a. Operational parking brake,
 - b. Operational headlamps,
 - c. Two (2) operational tail lamps,
 - d. Side reflectors,

- e. Review mirror, and
- f. Slow moving vehicle emblem

Section 4. Operation of a Neighborhood Electric Vehicle:

1. A neighborhood electric vehicle may drive across intersections where the posted speed limit is more than 45 mph unless the street is prohibited by this ordinance.
2. Nighttime driving of a neighborhood electric vehicle is prohibited. Neighborhood electric vehicles can only be driven during daylight hours.
3. Daytime (daylight hours) is defined as the period beginning one-half hour after sunrise and ending one-half hour before sunset.
4. An operator of the neighborhood electric vehicle cannot drive the neighborhood electric vehicle more than two (2) miles from the location where the vehicle is usually parked.
5. The Neighborhood Electric Vehicle must display a “slow moving vehicle” emblem as defined by the Texas Transportation Code.
6. The Neighborhood Electric Vehicle must display a City of Richwood Inspection Sticker which will be issued by the police department. All Neighborhood Electric Vehicles will be inspected as soon as the permit is approved and then in January of every year to ensure proper functioning equipment as outlined below.
7. Must be equipped with the following fully operational equipment:
 - a. Operational parking brake,
 - b. Operational headlamps,
 - c. Two (2) operational tail lamps,
 - d. Side reflectors,
 - e. Review mirror,
 - f. Seat belts,
 - g. Windshield,
 - h. Horn,
 - i. Turn signals, and
 - j. Vehicle identification number must be readable

Section 5. Registration:

All residents who are or may operate the golf cart or the neighborhood electric vehicle shall complete and sign a city supplied registration permit application form, accompanied by a \$25 fee per golf cart or neighborhood electric vehicle along with providing proof of financial responsibility as required herein and shall contain the following:

1. Name and address of the owner of the golf cart or neighborhood electric vehicle
2. Location where the golf cart or neighborhood electric is usually stored overnight
3. Make, model, and identification number of the golf cart or neighborhood electric vehicle
4. Current driver license of the owner or any potential operator
5. Statement that the permit holder(s) and any and all users shall indemnify and hold harmless the City of Richwood, Texas, it's employees, or any other person associated with the City of Richwood for any and all civil liability associated with the use and operation of the golf cart and or neighborhood electric vehicle and waives any and all rights to civil litigation against the City of Richwood, Texas and waives all rights to subrogation.

Section 6. Penalty Provision:

Any person, firm, corporation, association or other entity that violates this ordinance may be fined as provided for in Section 1-6 of the Code of Ordinances of the City of Richwood. Each day of violation shall constitute a separate offense.

The penalty provision under this ordinance shall not preclude the City of Richwood, Texas from filing suit. The City of Richwood, TX retains all legal rights and remedies available pursuant to local, state, and federal laws. The City of Richwood, TX reserves the right to deny or revoke a permit or application for a permit at any time. Should the City of Richwood, TX deny or revoke a permit or application for a permit, the City of Richwood, TX shall issue written notice to the applicant or person to whom the permit was issued to as to the reason for the denial or revocation.

Section 7. Repeal of Conflicting Ordinances

In the event this section or any portion of this Ordinance is in conflict with any ordinance that has been previously passed as of the time of passage hereof, then that portion in conflict herewith is hereby repealed, such repealing not constituting a repeal of any portion thereof which is not in direct contact with the provisions herein.

Section 8. Severability Clause

Should any section, subsection, sentence or provisions hereof be declared unconstitutional or void by a court of competent jurisdiction, such decision shall not affect the validity of the remaining parts or parts hereof except so far as such parts so declared unconstitutional or void may be inseparable from and indispensable to the operation of the remaining part or parts.

Passed and approved this _____ day of _____, 2017.

Mark Guthrie, Mayor

ATTEST:

Karen B. Schrom, City Secretary