

ORDINANCE 2022-13

AN ORDINANCE AMENDING CHAPTER 62 – TRAFFIC AND VEHICLES, ARTICLE V. – GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES, INGLESIDE CODE OF ORDINANCES AND PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS.

SECTION 1. AMENDMENT. Chapter 62 – Traffic and Vehicles, Article V. – Golf Carts and Neighborhood Electric Vehicles is hereby amended to read as follows, with all changes having been highlighted (new additions underlined, removals struck through).

Chapter 62 – TRAFFIC AND VEHICLES

ARTICLE V. GOLF CARTS, ~~AND~~ NEIGHBORHOOD ELECTRIC VEHICLES, AND OFF-HIGHWAY VEHICLES

Sec. 62-200. – Definitions.

~~(1) (a) Golf cart is defined at V.T.C.A., Transportation Code, § 502.001(18) and means a motor vehicle with not less than three 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. "Neighborhood Electric Vehicles" is defined at V.T.C.A., Transportation Code, § 551.301 and means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500). "Utility vehicle" is defined at V.T.C.A., Transportation Code, § 551.401(2).~~

~~(b) A reference in this article to "golf cart" means and includes all three types of vehicles, golf carts, neighborhood electric vehicles and utility vehicles, but does not include any other type of vehicle. Among those vehicles not included are go-carts, off road vehicles, and all-terrain vehicles, as defined by Texas Transportation Code.~~

~~(2) Neighborhood electric vehicles are defined above under "golf cart."~~

~~(3) 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 Ingleside during the year granted.~~

~~(4) 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 displaying an expiration date.~~

~~(5) 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.~~

~~(6) Utility vehicle is defined above under "golf cart".~~

(1) Golf cart is as defined in Transportation Code 551.401; a motor vehicle designed by the manufacturer primarily for use on a golf course.

- (2) *Neighborhood Electric Vehicle (NEV)* is as defined in Transportation Code 551.301; a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).
- (3) *Utility vehicle (UTV)* is as defined in Transportation Code 551A.001 (6); a motor vehicle that is not a golf cart, as defined by Section 551.401, or a lawn mower, and is
- (a) equipped with side-by-side seating for the use of the operator and a passenger;
 - (b) designed to propel itself with at least four tires in contact with the ground;
 - (c) designed by the manufacturer for off-highway use only; and
 - (d) designed by the manufacturer primarily for utility work and not for recreational purposes.
- (4) *Recreational off-highway vehicle (ROV)* is as defined in Transportation Code 551A.001 (5); a motor vehicle that is
- (a) equipped with a seat or seats for the use of:
 - (i) the rider; and
 - (ii) a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;
 - (b) designed to propel itself with four or more tires in contact with the ground;
 - (c) designed by the manufacturer for off-highway use by the operator only; and
 - (d) not designed by the manufacturer primarily for farming or lawn care.
- (5) *All-terrain vehicle (ATV)* is as defined in Transportation Code 551A.001 (1); a motor vehicle that is
- (a) equipped with a seat or seats for the use of
 - (i) the rider; and
 - (ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;
 - (b) designed to propel itself with three or more tires in contact with the ground;
 - (c) designed by the manufacturer for off-highway use;
 - (d) not designed by the manufacturer primarily for farming or lawn care; and
 - (e) not more than fifty (50) inches wide.
- (6) *Sand rail* is as defined in Transportation Code 551A.001 (3); a vehicle that
- (a) is designed or built primarily for off-highway use in sandy terrains, including for use on sand dunes;
 - (b) has a tubular frame, an integrated roll cage, and an engine that is rear-mounted or placed midway between the front and rear axles of the vehicle; and
 - (c) has a gross vehicle weight, as defined by Section 541.401, of
 - (i) not less than seven hundred (700) pounds; and
 - (ii) not more than two thousand (2000) pounds.
- (7) *Unique Vehicle Permit* shall mean a certificate to be kept in or with a legally operated golf cart, NEV, ROV, UTV, ATV, or sand rail which authorizes the use of the vehicle on a public street or highway within the corporate boundaries of the City of Ingleside during the year granted. The permit shall also include a sticker with a permit number and the expiration date which must be affixed to and displayed on the vehicle.
- (8) *Unique vehicle permit fee* shall mean a charge imposed as specified in this chapter for the issuance of a Unique Vehicle Permit.

Sec. 62-201. – Prohibition.

The City of Ingleside has determined that the unregulated operation of golf carts, neighborhood electric vehicles and utility vehicles NEVs, UTVs, ROVs, ATVs, and sand rails on public streets and highways is unsafe, and, pursuant to V.T.C.A., Transportation Code, §§ Sections 551.401 through 551.405, and 551.301 through 551.304, and 551A.053 through 551A.058 prohibits the operation of golf carts, neighborhood electric vehicles NEVs, UTVs, ROVs, ATVs, and sand rails and utility vehicles upon the public streets and highways of the city, except as permitted by this article.

Sec. 62-202. – License Permit required fee; permit issuance license certificate.

- (1) No person may operate a golf cart, NEV, UTV, ROV, ATV, or sand rail upon any public street or highway within the corporate boundaries of Ingleside unless said golf cart vehicle is licensed permitted by the City of Ingleside and a license certificate permit sticker is permanently affixed to the golf cart vehicle as prescribed by this code.
- (2) Such license permit shall be purchased annually for sums to be set by city council by resolution. The license permit, regardless of when purchased, shall be valid for one year from date of purchase.
- (3) A separate license permit is required for every golf cart, NEV, UTV, ROV, ATV, or sand rail owned by an individual or entity. A golf cart license Unique Vehicle Permit is valid only for the golf cart vehicle that it is issued to and is not transferable from one golf cart vehicle to another.
- (4) The city secretary shall issue to each person purchasing a Unique Vehicle Permit a paper certificate showing the name of the vehicle's owner, their address, the address where the vehicle is normally kept parked, the vehicle's description (make, model, color, number of seats) the VIN or serial number, the state-issued license plate number, the city-issued permit number, the date issued and expiration date, the name of the City employee who inspected the vehicle, and the name of the City employee who issued the permit. This certificate must be kept in or with the vehicle and must be shown to any peace officer or code officer of the city upon request, if the vehicle is being operated or is parked on a roadway or public property. city license for their golf cart a golf cart license certificate. The license certificate shall be affixed to the rear of the golf cart A sticker will also be issued, with the permit number and the expiration date, which should be affixed to the vehicle and displayed so that it is readily visible and identifiable from a distance of more than 50 feet.
- (5) The certificate permit shall be issued only upon the owner providing proof of financial responsibility consistent with the requirements of coverages in V.T.C.A., Transportation Code, §§ Sections 601.051 through 601.053 in the minimum coverage amounts required by V.T.C.A., Transportation Code, § Section 601.072. A copy of said proof of financial responsibility shall be attached to the city "APPLICATION FOR MOTORIZED GOLF CART LICENSE UNIQUE VEHICLE PERMIT."
- ~~(6) This section does not apply to a neighborhood electric vehicle or golf cart used or owned by any governmental entity.~~
- (6) An inspection of the vehicle for all required safety equipment must be completed by a Police Officer or Code Enforcement Official of the City prior to issuance of a permit.
- (7) This section does not apply to a golf cart, NEV, UTV, ROV, ATV, or sand rail used or owned by any governmental entity.

Sec. 62-203. – Duplicate license permit; fee.

Upon proof that the original ~~license certificate~~ Unique Vehicle Permit was lost, stolen, or damaged beyond recognition, a duplicate of the ~~golf cart license certificate~~ Unique Vehicle Permit issued by the city shall be furnished on payment of a fee to be set by city council by resolution.

Sec. 62-204. – Records.

The city secretary shall maintain a record describing each golf cart, NEV, UTV, or ROV, ATV, or sand rail licensed permitted the current and preceding year. The record shall include the name of the vehicle's owner, their address, the address where the vehicle is normally kept parked, the vehicle's description (make, model, color, number of seats) the VIN or serial number, the state-issued license plate number, the city-issued permit number, the date issued and expiration date, the fee amount paid and method of payment used, the name of the City employee who inspected the vehicle, and the name of the City employee who issued the permit. the name of the owner of the golf cart, the address of the owner, proof of financial responsibility (including name of carrier and policy number), the location the golf cart is normally kept, the date the golf cart was licensed, the date the license shall expire, the make/manufacturer 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 payment.

Sec. 62-205. – Traffic laws and rules of the road apply.

A golf cart, NEV, UTV, ROV, ATV, or sand rail licensed permitted by the City of Ingleside shall be operated in accordance with all laws and rules of the road enumerated in the Texas Transportation Code and by city Code for the operation of a passenger vehicle, except those rules and laws specifically excluded or limited by this article.

Sec. 62-206. – Miscellaneous operational provisions.

The following terms and provisions apply to the licensing and operation of any golf cart, NEV, UTV, ROV, ATV, or sand rail licensed permitted by the City of Ingleside.

- (1) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails used while evacuating persons or property during a declared emergency are exempt from licensing permitting by this code during the declared emergency and for 72 hours after the emergency. All safety equipment requirements and traffic laws still apply.
- (2) Golf cart license certificates Unique Vehicle Permits may only be sold by the City of Ingleside.
- (3) No person may display a false, fictitious, or facsimile golf cart license certificate Unique Vehicle Permit.
- (4) No person may alter or display an altered golf cart license certificate Unique Vehicle Permit.
- (5) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails may only be operated by persons with a valid driver's license.
- (6) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails may only be operated upon a public street or highway with a speed limit of not more than 35 mph.
- (7) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails may not be operated on Highway 361 or on Main Street (FM 1069) regardless if the posted speed limit is 35 mph or less in some areas.

- (8) A golf cart vehicle may cross a street or highway with a speed limit of more than 35 mph if said crossing occurs at an intersection and said crossing may be done safely and is perpendicular to the street or highway with a posted speed limit of not more than 35 mph.
- (9) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails must move to the right and yield the right-of-way to faster moving vehicles.
- (10) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails 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. They may be operated within Live Oak Park and Cove Park, on the paved areas only, as allowed by park rules and regulations.
- (11) All golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails must be equipped with operational headlamps, tail lamps, turn signals (if turn signals are not installed on the vehicle, hand signals must be used), reflectors, parking brakes, rearview mirrors, safety belts for each built-in seat (ATVs not required), and a reflective slow moving vehicle emblem displayed on the rear of the vehicle.
- (12) Golf carts are ~~not~~ required (per Texas Transportation Code Section 551.402) to display a Golf Cart license plate issued by the Texas Department of Motor Vehicles, which can be obtained from a county's Tax Assessor-Collector's office. or other registration certificate issued by the State of Texas.
- (13) NEVs are required to be titled and registered, and to display a license plate and registration sticker, to be operated on a roadway in accordance with Texas Transportation Code Section 551.303.
- (14) UTVs, ROVs, ATVs, or sand rails are required (per Texas Transportation Code Section 551A.052) to display an Off-Highway Vehicle license plate issued by the Texas Department of Motor Vehicles, which can be obtained from a county's Tax Assessor-Collector's office. Golf carts are not required to display a valid motor vehicle inspection sticker.
- (15) Financial responsibility must be established for the vehicle in compliance with V.T.C.A., Transportation Code, § Section 601.051 or a homeowner's insurance or other liability insurance policy which meets the coverage amounts of V.T.C.A., Transportation Code, § Section 601.072.
- (16) The driver and every occupant of a golf cart vehicle must remain seated in a seat designed to hold passengers, while the golf cart vehicle is in motion.
- (17) No person may ride in the lap of the driver or any other occupant. Each occupant must be seated in a built-in seat. Safety belts must be worn by all occupants when the vehicle is in motion.
- (18) A person may not operate, ride, or be carried on an off-highway vehicle on public off-highway vehicle land, a beach, or a highway unless the person wears:
- (1) a safety helmet that complies with United States Department of Transportation standards;
 - (2) eye protection; and
 - (3) seat belts, if the vehicle is equipped with seat belts.
- (b) Subsections (a)(1) and (2) do not apply to a motor vehicle that has four wheels, is equipped with bench or bucket seats and seat belts, and includes a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of vehicle rollover.
- (c) This section does not apply to a motor vehicle that is in the process of being loaded into or unloaded from a trailer or another vehicle used to transport the vehicle.
- (19) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails may only be operated on city streets during periods of daylight (one-half hour before sunrise - one-half hour after sunset).

- (20) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails owned or operated by a governmental entity are exempt from the requirements of this section.

Sec. 62-207. – Penalties; suspension or revocation of golf cart license permit.

- (1) Any violation of this article is a Class "C" misdemeanor, and is subject to penalties and/or fines under chapter 1, general provisions, section 1-14 of the Ingleside Municipal Code and/or applicable traffic laws.
- (2) In addition to assessment of penalties and/or fines, the chief of police may suspend or revoke a golf cart license unique vehicle permit if the chief of police or his designee determines that:
 - (a) There is a false statement of a material matter on the application for a golf cart license unique vehicle permit;
 - (b) The golf cart license unique vehicle permit holder has in excess of three or more violations of this article during a license year; or
 - (c) The golf cart license unique vehicle permit holder has failed to make timely payment of a fee or penalty for violation of this article.
- (3) Any license permit holder aggrieved by a decision to suspend or revoke a golf cart license unique vehicle permit 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 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 unique vehicle permit.
- (4) A golf cart license unique vehicle permit suspended or revoked by the chief of police remains suspended or revoked until a final appeal decision has been made by the city manager.
- (5) The city manager or his representative shall serve as a hearing officer at an appeal and may 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 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.

Secs. 62-208—62-220. – Reserved.

SECTION 2. EFFECTIVE DATE. As provided by Article III, Section 3. 11. 0 of the Charter of the City of Ingleside, 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 Ingleside.

SECTION 3. READING. As provided by Article III, Section 3. 11. B of the Charter of the City of Ingleside, this ordinance or the caption of it shall be read at two city council meetings with at least two weeks 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. If and as required by Article III, Section 3. 11. 0 of the Charter of the City of Ingleside, the caption of this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas.

PASSED, ORDAINED, APPROVED, AND ADOPTED this 9th day of August, 2022.



CITY OF INGLESIDE

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Mowles, City Secretary

First Reading: 07/26/2022

Second Reading: 08/09/2022