

ORDINANCE NO: 2017-16

AN ORDINANCE AMENDING CHAPTER 62, TRAFFIC AND VEHICLES, INGLESIDE CODE OF ORDINANCES, BY ADDING A NEW ARTICLE V, GOLF CARTS

WHEREAS, the City Council of the City of Ingleside determines that it is in the interests of the safety and welfare of the public to license and regulate the operation of golf carts and neighborhood electric vehicles on public streets and highways within the corporate limits of the City of Ingleside, pursuant to Texas Transportation Code Sections 551.401 through 551.405 and 551.301 through 551.304.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

Section 1. Amendment. Ingleside Code of Ordinances Chapter 62, Traffic and Vehicles, is hereby amended by the addition of a new Article as follows:

Article V. Golf Carts and Neighborhood Electric Vehicles

Section 62-200. Definitions.

- 1) (a) "Golf cart" is defined at Section 502.001(18) Texas Transportation Code 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 Section 551.301 Texas Transportation Code 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 Section 551.401(2) Texas Transportation Code.

(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".

Section 62-201. Prohibition.

The City of Ingleside has determined that the unregulated operation of golf carts, neighborhood electric vehicles and utility vehicles on public streets and highways is unsafe, and, pursuant to Texas Transportation Code Sections 551.401 through 551.405 and 551.301 through 551.304, prohibits the operation of golf carts, neighborhood electric vehicles and utility vehicles upon the public streets and highways of the City, except as permitted by this Article.

Section 62-202. License required fee; license certificate.

- 1) No person may operate a golf cart upon any public street or highway within the corporate boundaries of Ingleside unless said golf cart is licensed by the City of Ingleside and a license certificate is permanently affixed to the golf cart as prescribed by this code.
- 2) 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 for one (1) year from date of purchase.
- 3) 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 golf cart to another.
- 4) The City Secretary shall issue to each person purchasing a city license for their golf cart a golf cart license certificate. The license certificate shall be affixed to the rear of the golf cart and displayed so that it is readily visible and identifiable from a distance of more than 50 feet.
- 5) The certificate shall be issued only upon the owner providing proof of financial responsibility consistent with the requirements of coverages in Texas Transportation Code Section 601.051 through 601.053 in the minimum coverage amounts required by Texas Transportation Code Sec.601.072. A copy of said proof of financial responsibility shall be attached to the city "APPLICATION FOR MOTORIZED GOLF CART LICENSE".
- 6) This Section does not apply to a neighborhood electric vehicle or golf cart used or owned by any governmental entity.

Section 62-203. Duplicate license; fee.

Upon proof that the original license certificate 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.

Section 62-204. Records.

The City Secretary shall maintain a record describing each golf cart licensed the current and preceding year. The record shall include 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/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 payment.

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

A golf cart licensed 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.

Section 62-206. Miscellaneous operational provisions.

The following terms and provisions apply to the licensing and operation of any golf cart licensed by the City of Ingleside.

- 1) Golf carts used while evacuating persons or property during a declared emergency are exempt from licensing by this code during the declared emergency and for 72 hours after the emergency.
- 2) Golf cart license certificates may only be sold by the City of Ingleside.
- 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 may only be operated by persons with a valid driver's license.
- 6) Golf carts may only be operated upon a public street or highway with a speed limit of not more than 35 MPH.
- 7) Golf carts 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 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 must move to the right and yield the right of way to faster moving vehicles.
- 10) Golf carts 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 must be equipped with operational headlamps, tail lamps, reflectors, parking brakes, rearview mirrors, and a reflective slow moving vehicle emblem displayed on the rear of the vehicle.
- 12) Golf carts are not required to display a license plate or other registration certificate issued by the State of Texas.
- 13) Golf carts are not required to display a valid motor vehicle inspection sticker.
- 14) Financial Responsibility must be established for the vehicle in compliance with Section 601.051 Texas Transportation Code or a homeowner's insurance or other liability insurance policy which meets the coverage amounts of Section 601.072 Texas Transportation Code.
- 15) The driver and every occupant of a golf cart must remain seated in a seat designed to hold passengers, while the golf cart is in motion.
- 16) No person may ride in the lap of the driver or any other occupant.
- 17) Golf carts may only be operated on city streets during periods of daylight (1/2 hr. before sunrise -1/2 hr. after sunset).
- 18) Golf carts owned or operated by a governmental entity are exempt from the requirements of this section.

Section 62-207. Penalties; suspension or revocation of golf cart license.

- 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 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;
 - b. The golf cart license holder has in excess of three (3) or more violations of this Article during a license year; or
 - c. The golf cart license holder has failed to make timely payment of a fee or penalty for violation of this Article.
- 3) 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.
 - 4) A golf cart license 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.

Section 2. Effective Date. As provided by Article III, Section 3.11-C. and by Article XII, Section 12.03 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 and Article III, Section 3.11.D. 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. As provided by Article III, Section 3.11-C., this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

