

ORDINANCE NO. 2010-06

AN ORDINANCE AMENDING CITY OF NEDERLAND, CODE OF ORDINANCES, CHAPTER 102 "TRAFFIC AND VEHICLES", ADDING A NEW ARTICLE IV, "GOLF CARTS" IN COMPLIANCE WITH TEXAS TRANSPORTATION CODE, SECTION 551.403 and 551.404 AS AMENDED OR SUPERSEDED; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. CHAPTER 102 – AMENDMENT

That Section 102 "Traffic and Vehicles" of the Code of Ordinances, City of Nederland, Texas, be amended by adding a new Article IV "Golf Carts" to read as follows:

IV. GOLF CARTS

Section 102-330. Definition

A Golf Cart has the meaning assigned by the Transportation Code Section 502.001. Further, Golf Cart 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. 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.

Section 102-331. Operation in master planned community, public/private beach, public highway

An operator may operate a golf cart in compliance with Texas Transportation Code, Section 551.403 as amended or superseded;

1. in a master planned community;
 - a. that has in place a uniform set of restrictive covenants; and
 - b. for which a county or municipality has approved a plat; on a public or private beach; or
3. on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:
 - a. during the daytime; and
 - b. not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

Section 102-332. Use within corporate boundaries

Golf carts may be operated within the corporate city limits on streets with a posted speed limit of not more than thirty-five (35) miles per hour.

Section 102-333. Use prohibited on any state highway within corporate boundaries

Golf cars are prohibited on any state highway located within the corporate boundaries of the city.

Section 102-334. Equipment required

A golf cart must have the following equipment to operate within the corporate city limits:

1. headlamps
- tail lamps
3. reflectors
4. parking brake, and
5. mirrors.

Section 102-335. Exclusions and limitations.

The following exclusions and limitations apply to the operation of any golf cart in the City of Nederland.

- (1) Golf carts may only be operated by persons with a valid operator's permit and/or driver's license.
- (2) Golf carts may only be operated upon a public street or highway with a speed limit of not more than 35 mph unless otherwise restricted.
- (3) 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 is perpendicular to the street or highway with a posted speed limit of more than 35 mph.
- (4) Golf carts must move to the right and yield the right of way to faster moving vehicles.
- (5) All golf carts must be equipped with a slow moving vehicle emblem.
- (6) 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.
- (7) No person may ride in the lap of the driver or any other occupant.

Section 102-336. Penalties

- (1) Any violation of this Article is subject to penalties and/or fines under Section 1- 4 of the General Penalty; Continuing Violations of the Municipal Code and/or applicable traffic laws.

Sections 102-337 through 102-440 Reserved for future use

SECTION 2. REPEALING CLAUSE

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this Ordinance, are all hereby repealed.

SECTION 3. SEVERABILITY CLAUSE

It is the intention of the City Council of the City of Nederland that if any phrase, sentence, section or paragraph of this ordinances shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

SECTION 4. EFFECTIVE DATE AND PUBLICATION

This ordinance shall take effect from and after its passage by the City Council and publication. The City Clerk is hereby directed to give notice hereof by causing the caption of this ordinance to be published in the official newspaper of the City of Nederland.

APPROVED and PASSED BY THE CITY COUNCIL of the City of Nederland,
Texas this the _____ day of _____, 2010.

CITY OF NEDERLAND, TEXAS

R. A. Nugent, Mayor
City of Nederland, Texas

ATTEST:

LaDonna Floyd, City Clerk
City of Nederland, Texas

APPROVED AS TO FORM AND LEGALITY:

Jesse Branick, City Attorney
City of Nederland, Texas