

## **ORDINANCE No. 1100**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING CHAPTER 98, "TRAFFIC AND VEHICLES," OF THE CODE OF ORDINANCES OF THE TOWN OF LITTLE ELM BY ADDING A NEW ARTICLE VIII, "OPERATION OF GOLF CARTS ON PUBLIC STREETS"; ESTABLISHING DEFINITIONS; ESTABLISHING REGULATIONS FOR THE OPERATION OF GOLF CARTS ON PUBLIC STREETS; ESTABLISHING EXCEPTIONS; ESTABLISHING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in 2009, the Legislature of the State of Texas adopted HB 2253 which amended the Transportation Code, Chapter 551, to allow for the operation of golf carts within municipalities under certain conditions; and

**WHEREAS**, Chapter 551 of the Texas Transportation Code also provides municipalities with the authority to control the operations of motor vehicles using its streets and to prescribe reasonable and safe restrictions related to the stopping, standing and parking of vehicles; and

**WHEREAS**, under Texas Transportation Code Chapter 551, municipalities may prohibit the operation of golf carts on a public highway, if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

**WHEREAS**, the Town Council of the Town of Little Elm, Texas ("Town Council"), has investigated and determined that the prohibitions set forth in this Ordinance are necessary in the interest of safety; and

**WHEREAS**, the Town Council has further investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Little Elm, Texas ("Town"), and in the best interest of the public health, safety and welfare of the citizens and the public to establish regulations for the operation of golf carts as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS, THAT:**

**Section 1.     Incorporation of Premises.** All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**Section 2.     Adoption.** Chapter 98, of the Code of Ordinances of the Town of Little Elm is hereby amended by adding a new Article VIII, "Operation of Golf Carts on Public Streets," to read as follows:

**"ARTICLE VIII. OPERATION OF GOLF CARTS ON PUBLIC STREETS**

## Sec. 98-200 - Definitions

The following words, terms, and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Daytime* means the hours during a day after dawn and before dusk.

- *Golf Cart* means a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course, as defined in Texas Transportation Code, § 502.001, as amended. A golf cart shall include a motor vehicle which must have a minimum of no less than three wheels, and have an attainable top speed not greater than 25 miles per hour on a paved level surface, which is manufactured primarily for transporting persons on a golf course in compliance with federal motor vehicle safety standards for low-speed vehicles.

*Public Safety Personnel* means any employee or officer of a governmental law enforcement agency or the Little Elm Fire Department.

*Public Street* means a publicly-owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the corporate boundaries of the Town of Little Elm.

## Sec. 98-201 - Golf Carts Permitted and Restricted.

A person may operate a golf cart on a public street, if:

- (a) the public street has a maximum posted speed limit of not more than thirty-five (35) miles per hour and the golf cart is operated during the daytime;
- (b) the person possesses a valid drivers license;
- (c) the person maintains current financial responsibility for the golf cart, as required of other passenger vehicles in the Texas Transportation Code Section 601.051;
- (d) the person complies with all applicable federal, state, and local laws and ordinances;
- (e) the golf cart has the following equipment:
  - (1) parking brake; and
  - (2) mirrors;
- (f) while the golf cart is in motion:
  - (1) the driver shall operate the golf cart as near to the right hand curb as

practical

- (2) the driver and each passenger in the golf cart is seated in a seat designed to hold a passenger. No person may stand on a golf cart or ride in the lap of the driver and/or other passenger of a golf cart while it is moving;

(g) Crossing Certain Roadways:

- (1) a golf cart may cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour. (Texas Transportation Code Chapter 551, Section 551.405)

Sec. 98-202 – Prohibition

- (a) No person may operate a golf cart in violation of the provisions of this Article.
- (b) No person may operate a golf cart in a negligent manner. For purposes of this Article, “operate a golf cart in a negligent manner” shall mean the operation of a golf cart in such a way as to endanger any person or property, to obstruct, hinder or impeded the lawful course of travel of any motor vehicle or the use of a golf cart on a sidewalk, path, trail, walkway or park.

Sec. 98-203 – Exceptions.

- (a) Public Safety Personnel may operate a golf cart on any public street without any further restrictions when the golf cart is used in the performance of his/her duties.
- (b) A golf cart operated solely on private property is not subject to the regulations set forth in this Article.
- (c) A golf cart operated by Town-authorized personnel on Town property is not subject to the regulations set forth in this Article. Town-authorized personnel shall mean any person who is employed by or volunteering for the Town and instructed by a Town official, or designee, to operate the golf cart on Town property. This exception does not include public rights-of-way.”

**Section 3. Penalty.** A person commits an offense, if he or she knowingly performs an act prohibited by this Ordinance or knowingly fails to perform an act required by this Ordinance. Any person or business establishment who violates any provision of this Ordinance shall be subject to a fine of not more than \$500 for each offense.

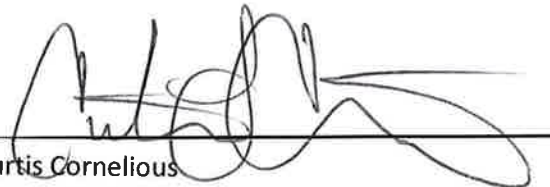
**Section 4. Savings.** This Ordinance shall be cumulative of all other ordinances of the Town, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or

pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.


**Section 5. Severability.** The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 6. Effective Date.** This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the Town Charter.

**PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Little Elm, Texas, on this the 1<sup>st</sup> day of May, 2012.**

  
Curtis Cornelious  
Mayor Pro-tem

ATTEST:

  
Kathy Phillips, Town Secretary

APPROVED AS TO FORM:

  
Robert F. Brown, Town Attorney