

ORDINANCE NO. 2025 -01-02

**AN ORDINANCE OF THE CITY OF ANAHUAC, TEXAS, AMENDING ORDINANCE NO. 2015-03-04 AND CHAPTER 95 - GOLF CARTS - OF THE CITY OF ANAHUAC MUNICIPAL CODE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING FOR INJUNCTIVE RELIEF FOR VIOLATIONS; PROVIDING SEVERABILITY & SAVINGS CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

Whereas, by Ordinance No. 2015-03-04 the City Council of the City of Anahuac, Texas adopted Chapter 95 - Golf Carts - published in the Municipal Code of the City of Anahuac as Sections 95.01 - 95.04 pursuant to said Section 551.404 of the Texas Transportation Code.

Whereas, Section 51.001 of the Texas Local Government Code provides that “[t]he governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality.” TEX. LOC. GOV’T CODE §51.001.

Whereas, concerning Type A general law municipalities, Section 51.012 of the Texas Local Government Code provides that “the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic.” TEX. LOC. GOV’T CODE §51.012.

Whereas, Section 51.002 of the Texas Local Government Code provides that “[n]otwithstanding Section 51.001, the governing body of a municipality may adopt, enforce, or maintain an ordinance or rule only if the ordinance or rule is consistent with the laws of this state.” TEX. LOC. GOV’T CODE §51.002 (eff. 9/1/2023).

Whereas, concerning municipal streets, Section 311.002 of the Texas Transportation Code provides that “(a) A general-law municipality has exclusive control over the highways, streets, and alleys of the municipality.” TEX. TRANSP. CODE §311.002.

Whereas, concerning the operation and movement of motor vehicles under the rules of the road, Section 545.356 of the Texas Transportation Code provides that “(b-1) Except as provided by Subsection (b-3), the governing body of a municipality, for a highway or a part of a highway in the municipality that is not an officially designated or marked highway or road of the state highway system, may declare a lower speed limit of not less than 25 miles per hour, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe.” TEX. TRANSP. CODE §311.002 (b-1).

Whereas, Section 551.404 of Subchapter F. Golf Carts of the Texas Transportation Code provides that “the governing body of a municipality may allow an operator to operate a golf cart on all or party of a highway that: (1) is in the corporate boundaries of the municipality; and (2) has a posted speed limit of not more than 35 miles per hour” and Section 551.4041 mandates that a golf cart operated under said section 551.404 must have the following equipment: (1) headlamps; (2) taillamps; (3) reflectors; (4) parking brake; and (5) mirrors.” See TEX. TRANSP. CODE §§ 551.404 & 551.4041.

Whereas, Section 551.4031 of Subchapter F. Golf Carts of the Texas Transportation Code provides that “(a) a county or municipality may prohibit the operation of a golf cart on a highway under Section 551.403 if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

Whereas, Section 551.402 of Subchapter F. Golf Carts of the Texas Transportation Code provides as a general rule that “(b) A person may operate a golf cart only if the vehicle displays a license plate issued under this section.” TEX. TRANSP. CODE §§ 551.402 (a). There is a “master planned community” exception at §551.403 (b).

Whereas, Section 551.403 of Subchapter F. Golf Carts of the Texas Transportation Code provides that “(a) An operator may operate a golf cart: . . . (3) on a 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 five miles from the location where the golf cart is usually parked and for transportation to or from a golf course.” TEX. TRANSP. CODE §§ 551.403 (a)(3).

Whereas, Section 521.021 of the Texas Transportation Code provides that “[a] person, other than a person expressly exempted under this chapter, may not operate a motor vehicle on a highway in this state unless the person holds a driver’s license issued under this chapter.” TEX. TRANSP. CODE § 521.021.

Whereas, Section 729.001 of the Texas Transportation Code provides that “(a) A person who is younger than 17 years of age commits an offense if the person operates a motor vehicle on a public road or highway, a street or alley in a municipality, or a public beach in violation of any traffic law of this state . . .” TEX. TRANSP. CODE § 729.001; and Section 729.002 provides that “(a) A person who is younger than 17 years of age commits an offense if the person operates a motor vehicle without a driver’s license authorizing the operation of a motor vehicle on a: (1) public road or highway; (2) street or alley in a municipality; or (3) a public beach as defined by Section 729.001[.]” TEX. TRANSP. CODE § 729.002(a); and “(b) An offense under this section is punishable in the same manner as if the person was 17 years of age or older and operated a motor vehicle without a license as described in Subsection (a), except that an offense under this section is not punishable by confinement or imprisonment.” TEX. TRANSP. CODE § 729.002(a) (presumably referring to subsection (a) of 729.001 instead of 729.002 which would be nonsensical).

Whereas, concerning the registration of motor vehicles, Section 502.001 of the Texas Transportation Code provides that “ ‘Motor Vehicle’ means a vehicle that is self-propelled” and “ ‘Vehicle’ means a device in or by which a person or property is or may be transported or drawn on a public highway, other than a device used exclusively on stationary rails or tracks.” TEX. TRANSP. CODE § 501.001 (25) (motor vehicle) & § 501.001 (45) (vehicle).

Whereas, concerning the rules of the road, Section 541.201 of the Texas Transportation Code provides that “ ‘Motor Vehicle’ means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. The term does not include an electric bicycle or an electric personal assistive mobility device, as defined by Section 551.201[.]” TEX. TRANSP. CODE § 541.201 (11); and “ ‘Vehicle’ means a device that can be used to transport or draw persons or property on a highway. The term does not include: (A) a device exclusively used on stationary rails or tracks; or (B) manufactured housing as that term is defined by Chapter 1201, Occupations Code.” TEX. TRANSP. CODE § 541.201 (23).

Whereas, Section 551.401 of Subchapter F. Golf Carts of the Texas Transportation Code provides that “[i]n this subchapter, ‘golf cart’ means a motor vehicle designed by the manufacturer primarily for use on a golf course.” TEX. TRANSP. CODE § 551.401.

Whereas, concerning vehicle equipment under the rules of the road, Section 547.001 of the Texas Transportation Code provides that “ ‘Golf cart’ has the meaning assigned by Section 551.401[.]” TEX. TRANSP. CODE § 547.001 (2-a); and that “[a] golf cart . . . that is operated at a speed of not more than 25 miles per hour is required to display a slow-moving vehicle emblem when it is operated on a highway.” TEX. TRANSP. CODE § 547.703 (d).

Whereas, Section 601.051 of the Texas Transportation Code provides a requirement of financial responsibility for the operation of a motor vehicle in this state but Section 601.052 provides that “(a) Section 601.051 does not apply to . . . (2-a) a golf cart that is operated only as authorized by Section 551.403.”

Whereas, the City Council of the City of Anahuac, Texas finds that the provisions of this Ordinance are consistent with the premises and the laws of the state of Texas.

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

I.

Said Ordinance 2015-03-04 and Chapter 95 of the City of Anahuac Municipal Code is and are amended as follows.

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Section 1. 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.

*Golf Cart* as referenced hereafter, shall have the meaning assigned by the V.T.C.A., Transportation Code §§ 551.401 and 547.001 (2-a), as each exists or may be amended, and includes a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. The term, as used herein, shall include a specific restriction that a permitted golf cart shall have an attainable top speed of not greater than 25 mph. Specifically excluded from this definition are those motorized conveyances or vehicles commonly referred to as All-Terrain Vehicles (ATVs), Neighborhood Electric Vehicles (NEVs), four-wheelers, side-by-sides, mules and gators.

*Operator* shall mean the person operating and having physical control over the golf cart.

*Public highway* shall have the meaning assigned by the Transportation Code § 502.001, as it exists or may be amended, and includes a road, street, way, thoroughfare, or bridge:

- (1) that is in the state of Texas;
- (2) that is for the use of vehicles;
- (3) that is not privately owned or controlled; and
- (4) over which the state of Texas has legislative jurisdiction under its police power.

Section 2. General requirements

The operation of a golf cart on a public highway in the corporate boundaries of the City of Anahuac is allowed as follows. Operation of a golf car on a highway under Section 551.403 of the Texas Transportation Code is prohibited unless the operation of the golf cart is consistent with this ordinance and the provisions of Chapter 96 of the City of Anahuac Municipal Code because the City Council of the City of Anahuac determines that the prohibition is necessary in the interest of safety and that the operation of a golf cart at a speed over 25 miles per hour on the highway is prima facie unreasonable or unsafe.

All golf carts and operators must comply with the following requirements:

- (a) On a public highway in the City of Anahuac, golf carts shall be operated on a public highway only on a public highway for which the posted speed limit is not more than 35 miles per hour (mph).
- (b) A slow-moving vehicle emblem, as provided for in Section 547.703 of the Transportation Code, must be displayed clearly visibly on the rear of the golf cart at a height that does not impair the visibility of the emblem, and maintained in a clean, reflective condition.
- (c) All operators of golf carts shall abide by all traffic regulations applicable to the movement of vehicular traffic when using any public highway in the City of Anahuac.
- (d) Golf carts shall not be operated on public sidewalks at any time.
- (e) A golf cart operator may not cross a street or highway with a posted speed limit of more than 35 mph unless the crossing occurs at an intersection on such a public highway.

(f) All golf carts are entitled to the full use of a lane on the public highway and no motor vehicle shall be operated in such a manner as to deprive any golf cart of the full use of a lane.

(g) The operator of golf cart shall not overtake and pass in the same lane of the public highway occupied by the vehicle being overtaken.

(h) Golf carts shall not be operated between lanes of traffic or between adjacent lines of rows of vehicles on the public highway.

(i) Golf carts which have been altered to allow them to travel at speeds greater than 25 mph are prohibited on any public highway in the City of Anahuac.

(j) The operator and all passengers must be seated and remain seated whenever the golf cart is in motion. No person may ride in the lap of the driver of the golf cart.

(k) Golf carts shall not be driven or operated by a person under the age of 16-year-old without the direct supervision of a 21-year-old or older passenger, and the operation must not violate Section 521.021 and Chapter 729 of the Texas Transportation Code, as each exists now and as amended.

(l) No person shall allow or permit a golf cart under the person's control to be driven or operated by a person under the age of 16 years without the direct supervision of a 21-year-old or older passenger, and the operation must not violate Section 521.021 and Chapter 729 of the Texas Transportation Code, as each exists now and as amended.

(m) Golf cart owners must maintain liability insurance for the golf cart.

### Section 3. Operation

Golf carts must be equipped with headlights, taillamps, reflectors, parking brakes, and rearview mirrors. Golf carts may operate during daytime or night-time hours. During night-time hours headlights and taillamps shall be operational at all times.

### Section 4. Violations, Penalties, and Remedies.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than \$200.00 per offense. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined in this section.

Any violation of this section can be enjoined by a suit filed in the name of the City in a court of competent jurisdiction, and this remedy to the City shall be in addition to any penal provision in this code.

Culpable Mental State Not Required Unless Expressly Stated. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this section or code unless the offense expressly includes a mental state. No mental element is part of the conduct or definition of a violation of this section or code. This section or code dispenses with any mental element to establish a violation of this section or code, or the commission of an offense under this section or code, unless the mental element is expressly included to establish a violation of this section or code or the commission of an offense under this section or code.

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## II.

**Cumulative; Repeal of Conflicting Provisions.** This ordinance and section shall be cumulative of all provisions of ordinances and of the City Code, as amended, except where the provisions of this ordinance and section are in direct conflict with the provisions of such

ordinances and such code, in which event the conflicting provisions of such other ordinances and other code are hereby repealed or amended in a manner so that this ordinance and section shall survive and prevail.

III.

**Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section. If any section, subsection or provision of this ordinance is held invalid, the remainder shall not be affected by such unconstitutionality or invalidity.

IV.

**Publication.** The official newspaper for the City is **The Progress**, a weekly paper that is published in the City of **Anahuac**, Texas and a weekly paper of general circulation in the City of **Anahuac**, Texas. Therefore, this Ordinance and code amendment, or a caption that summarizes the purpose of this Ordinance and code amendment, and the penalty for violating the Ordinance or code amendment, shall be published in the official newspaper, **The Progress**, a weekly paper with general circulation in the City of **Anahuac**, Texas, in one issue of the newspaper.

V.

**Effective Date.** This ordinance and code amendment shall be in full force and effect from and after its passage, and it is so ordained.

VI.

IT IS SO ORDAINED. This Ordinance PASSED, APPROVED and ADOPTED this 13<sup>th</sup> day of **JANUARY, 2025 A.D.**

CITY OF ANAHUAC

By:

  
The Honorable **Charles E. Hightower**,

Mayor

[City Seal]

Attest:

  
The Honorable **Julie Harvill**, City Secretary