

ORDINANCE NO. 2020-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS REPEALING AND REPLACING CHAPTER 12 – TRAFFIC AND VEHICLES, ARTICLE 12.12 - GOLF CARTS; AND PROVIDING FOR FINDINGS OF FACT, ADOPTION, REPEALER, SEVERABILITY, AND ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

- WHEREAS,** the City of Bastrop, Texas (“City”) is a Home-Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and
- WHEREAS,** the City Council of Bastrop, Texas has reviewed the Police Chief’s recommendations and has determined it is desirable to regulate the operation of a golf cart on a public street to ensure public safety, and pursuant to the Texas Transportation Code; and,
- WHEREAS,** Texas Transportation Code Section 551.4031 authorizes the governing body of a municipality to regulate and control the operation of golf carts within the city’s legal boundaries and on its public streets to ensure the public safety of the community; and
- WHEREAS,** golf cart use can help to reduce overall emissions and their use is an eco-friendly or ‘green’ alternative to traditional passenger vehicles; and
- WHEREAS,** golf carts are not normally equipped with many of the traditional safety features that are customarily required or found on more commonly-used motor vehicles; and
- WHEREAS,** passenger ejection and injuries can be reduced in an urban setting by requiring additional safety equipment and providing rules of operation; and
- WHEREAS,** golf carts, unlike more traditional motor vehicles, have identification numbering which is easily removed, such that establishing a golf cart registration permitting program would promote return of such property to rightful owners in the event of loss or theft and subsequent recovery; and
- WHEREAS,** Texas Local Government Code section 51.001 provides the City general authority to adopt an Ordinance or police regulations that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS,** the City Council finds it necessary to regulate golf carts in order to preserve health, property, good government, and order in a Home-Rule municipality as defined under Chapter 54 of Local Government Code.

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

SECTION 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly

set forth herein.

SECTION 2. AMENDMENT

Chapter 12, Article 12.12 of the City of Bastrop Code of Ordinances is hereby repealed and replaced , and after such replacement, shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

SECTION 3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 4. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

SECTION 5. ENFORCEMENT

The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

SECTION 6. EFFECTIVE DATE


This Ordinance shall be effective immediately upon passage and publication.

SECTION 7. OPEN MEETINGS

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ & ACKNOWLEDGED on First Reading on the 27th day of October 2020.

READ & APPROVED on the Second Reading on the 10th day of November 2020.

APPROVED:



Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Bastrop Code of Ordinances

Chapter: TRAFFIC AND VEHICLES

Article 12.12: Golf Carts

Sec. 12.12.001 General.

(a) **Purpose.** The purpose of this article is to provide a convenient and safe means of travel within the city by golf carts. Golf carts, if used properly, can be an effective way to travel for short distances within the city, especially during times of increased congestion. However, to ensure the public safety and welfare, the operation of golf carts must comply not only with normal regulations regarding vehicles, but should comply with special safety regulations detailed in this article that are intended to protect the operator, passengers, pedestrians and other individuals operating motor vehicles on the roadways.

(b) **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 Transportation Code § Sec. 551.401, as it 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 commonly referred to as ATVs, NEVs, four-wheelers, mules and gators.

Golf cart registration permit shall mean a privilege granted upon compliance with terms of this article to legally operate a golf cart upon a local street, public highway, or parking area within the corporate boundaries of the City of Bastrop for the term that the permit was issued.

Golf cart registration permit decal shall mean a certificate for attachment to a golf cart identifying the golf cart as permitted by the city and giving an expiration date.

Operator shall mean a person who drives or has physical control of a golf cart. An operator must carry a valid Texas Drivers' License.

Owner shall have the meaning assigned by the Transportation Code § 502.001 (31), and shall mean the person who has legal title to the golf cart, has the legal right of possession of the golf cart, or has the legal right of control of it.

Parking area means those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

Public safety personnel means any employee or officer of a governmental law enforcement agency or the city or its department(s).

Public street means the public roadways of the city by whatever name, e.g. road, alley, avenue, highway, route, boulevard, etc. within the corporate boundaries of Bastrop that: (1) Has a posted speed limit of thirty-five (35) miles per hour or less; and (2) Provides for no more than one (1) lane of vehicular traffic per direction.

Safety belt means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.

Sidewalk means the portion of a street that is between a curb or lateral line of a roadway and the adjacent property line and intended for pedestrian use.

Slow-moving-vehicle-emblem means a triangular emblem that conforms to standards and specifications adopted by the Director of the Texas Department of Transportation under Section 547.104 of the Texas Transportation Code and is displayed in accordance with Section 547.703 of the Texas Transportation Code.

Secured means, in connection with use of a safety belt, means using the lap belt and any shoulder straps according to the instructions of:

- (1) the manufacturer of the vehicle if the safety belt is original equipment; or
- (2) the manufacturer of the safety belt if the safety belt has been added to the vehicle.

Traffic way is any land way open to the public as a matter of right or custom for moving persons or property from one place to another. The traffic way includes all property, both improved and unimproved, between the property lines of a roadway system.

Sec. 12.12.002 - Operation regulations.

- (a) All operators of golf carts shall be licensed to operate a motor vehicle as provided by the Texas Transportation Code and shall carry a valid Texas drivers' license while operating the golf cart.
- (b) All operators of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using any public highway in the city. Operators shall not operate a golf cart on public sidewalks at any time.
- (c) Operators shall not operate golf carts upon a public street or highway with a posted speed limit of more than 35 mph unless otherwise restricted. Operators shall not operate a golf cart at a speed greater than 20 mph at any time in the city.
- (d) An operator of a golf cart is entitled to full use of a lane on the public highway and the operator of a motor vehicle shall not be operated in such a manner as to deprive any golf cart of the full use of a lane.
- (e) An operator of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (f) No operator shall operate a golf cart between lanes of traffic or between adjacent lines of rows of vehicles.
- (g) An operator of a golf cart shall move to the right and yield the right of way to faster moving vehicles.

- (h) The operator of a golf cart shall not operate a golf cart upon a public street or highway with a number of occupants that exceeds the seating capacity as designed by the manufacturer and all occupants shall remain seated in a seat designed to hold passengers while the golf cart is in motion.
- (i) The operator of a golf cart shall not allow any occupant of the golf cart to ride in the lap of the operator or any other occupant of the golf cart.
- (j) The operator of a golf cart shall not allow any children under the age of six (6) years to ride in a golf cart at any time.
- (k) The operator of a golf cart shall not allow any passengers six (6) years of age or older but under the age of twelve (12) to ride in a golf cart on a public street unless they are seated and secured with a seatbelt dedicated and designed to hold passengers.
- (l) An operator shall not operate a golf cart upon a public street or highway before sunrise or after sunset.
- (m) A person, owner or operator of a golf cart commits an offense if they operate a golf cart upon a public street or highway in violation of this section.

Sec. 12.12.003 - Exceptions.

- (a) Golf carts owned and/or operated for official government purposes by the City of Bastrop or any other governmental entity are exempt from regulation by this Code.
- (b) Golf carts may operate past sunset during official special events that are permitted by the City of Bastrop and only to and from the event to where the golf cart is normally stored.

Sec. 12.12.004 – Required equipment regulations.

- (a) Every golf cart operated within the City of Bastrop shall be equipped with the following equipment which shall be operational at all times: two headlights, two tail lamps, reflectors (two (2) front, amber in color and two (2) rear, red in color), parking brakes, rearview mirror(s) and a slow moving vehicle emblem clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet.
- (b) Every golf cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and shall comply with all state, federal and city regulations, specifically section Noise 8.03.006 (b) General Prohibitions and 8.03.006 (b)(1) Noisy vehicles of the City Ordinances.
- (c) Golf carts which have been altered to allow them to travel at speeds greater than 25 mph are prohibited.
- (d) An owner or operator of a golf cart commits an offense if they operate a golf cart upon a public street or highway that is not equipped as required by this section or is altered in violation of this section.

Sec. 12.12.005 Registration permit.

The owner of a golf cart must register said golf cart with and be provided a permit by the City of Bastrop Police Department before it may be operated on the city's streets and highways. The first-time registration fee is \$20.00 and biennial renewal is \$10.00 which covers administrative and inspection costs. The city registration permit process includes the following:

- (1) The applicant shall complete the city-supplied registration permit application which shall contain the:
 - a. Name and physical and mailing address of the applicant owner.
 - b. Location where the vehicle is regularly stored overnight.
 - c. Model, make and golf cart ID number.
 - d. Current driver's license information of owner.
 - e. A statement that the applicant has been furnished a copy of this article and that s/he agrees to comply with all conditions contained in this article and to any local, state or federal laws governing the use of golf carts.
 - f. Any other information that the city may reasonably require.
- (2) The registration permit application shall be:
 - a. Accompanied by the permit fee of \$20.00 for first time applicants and \$10.00 for biennial renewals thereafter.
 - b. Accompanied by proof of financial responsibility consistent with the minimum requirements of the Texas Transportation Code for the operation of motor vehicles. A copy of the certificate of insurance shall be attached to the application.
 - c. Accompanied by a copy of the applicant's Texas Driver's license.
 - d. Signed by the applicant/owner.
 - e. Upon receipt of the completed application and permit fee, a member of the police department shall make arrangements to inspect the golf cart for adherence to this article.
 - f. When the inspector has approved the vehicle, the biennial permit decal shall be issued to the owner. The decal shall be immediately affixed to the front panel of the driver's side of the golf cart so as to be clearly visible.
 - g. The registration permit shall be effective for two years from the date of issuance or until such time as revoked for noncompliance or when the golf cart is transferred to a new owner.
 - h. Golf carts operating on a highway shall have an affixed state license plate for golf carts.
- (3) An owner or operator of a golf cart commits an offense if they operate a golf cart upon a public street or highway without a registration permit issued by Bastrop Police Department.

Sec. 12.12.006 - Revocation of the registration permit.

The registration permit may be revoked if:

- (1) The owner or operator of the golf cart fails to abide by the rules and regulations of this article, including failure to maintain liability insurance.
- (2) The owner or operator of the golf cart fails to abide by the traffic laws and/or operates the cart

in an unauthorized area, specifically including the use of a wireless communication device in a school zone during restricted school hours.

Sec. 12.12.007 - Registration permit is not transferrable.

The city registration permit is not transferable. Upon transfer of ownership to another person who intends to operate the golf cart in Bastrop, the new owner must register the golf cart in his/her name and pay the required permit fee as outlined in this article.

Sec. 12.12.008- Liability.

- (a) Nothing in this article shall be construed as an assumption of liability by the city for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart by an authorized operator; and
- (b) Owners are fully liable and accountable for the actions of any individual that they allow to operate and drive their golf cart.

Sec. 12.12.009 - Criminal offense and penalties.

Any person, firm, entity or corporation who violates any provision of this article, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding \$500.00. Each continuing day's violation under this article shall constitute a separate offense. The penal provisions imposed under this article shall not preclude the city from filing suit to enjoin the violation. Bastrop retains all legal rights and remedies available to it pursuant to local, state, and federal law.