

CITY OF BRACKETTVILLE

ORDINANCE 2010-05-01

Amended May 19, 2014

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF BRACKETTVILLE IN COMPLIANCE WITH TEXAS TRANSPORTATION CODE SECTION 551.403 AND 551.404 AS AMENDED OR SUPERSEDED; RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND PROVIDING FOR THE REPEAL OF CURRENT ORDINANCE (S) REFERRING TO GOLF CARTS.

Be it ordained by the City Council of the City of Brackettville, Texas:

Section 1. OPERATION OF GOLF CARTS:

- a. Golf carts may be operated upon the city streets; roads, and alleys within the corporate limits of the city; provided said streets, roads and alleys are not federal or state highways: The following list are roadways NOT permitted to be driven on by golf carts:
 1. Hwy 90
 2. Loop 166 (Spring St)
 3. Hwy 674/334 (Ann St)
 4. HWY 334 (Campwood Rd. or 3rd St)
- b. Golf carts may cross any federal or state highway at an intersection where the highway being crossed has a posted speed limit of greater than 35 mph.
- c. No individual operating a golf cart shall operate the golf cart while under the influence of alcohol or controlled substance.
- d. No individual operating a golf cart shall operate the golf cart between the hours of official sunset and sunrise.
- e. No individual operating a golf cart shall operate the golf cart in any careless or imprudent manner so as to endanger any person or property of any person.
- f. Every person operating a golf cart on the public highways, streets, roads and alleys of the city shall be subject to all the duties applicable to driver of a vehicle imposed by law.
- g. It is the intention of the City Council to close the street for regular vehicle traffic from the corner of Fort St. and Louise St. to Spring St. and from Spring St., to HWY 90. (these areas run parallel with the cement drainage) This pathway was created by the City of Brackettville for the use ONLY; for golf carts, bikers and/or walking purposes. This pathway is NOT for thorough traffic. Any regular motor vehicle traffic on this pathway is subject to a citation issued by the Brackettville Policy Dept., enforcement of City Ordinances.

Section 2. OPERATION OF GOLF CARTS-VALID DRIVERS LICENSE REQUIRED; PENALTY:

- a. No person shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license. Violation of this section is punishable by fine of not more than five hundred (500) dollars.

Section 3. OPERATION OF GOLF CART-DEFINITION:

- a. "Golf cart" means a motor vehicle that has not less than three (3) wheels in contact with the ground, a weight of not more than 1,800 pounds, is designed to be operated at not more than 15-25 miles per hour and is designed to carry not more than four (4) persons, including the driver.
- b. Is manufactured primarily for operation on golf course.
- c. The following must appear on the manufactured certificate or origin;
 - 1. The body type must be specified as a low speed vehicle
 - 2. There must be a statement indicating that the low speed vehicle meets or exceeds the minimal federal safety requirements.
 - 3. All golf carts classified as low speed vehicles shall be manufactured in compliance with the National Highway Traffic Safety Administration standards for low speed vehicles.

Section 4. OPERATION OF GOLF CART- PENALTY:

- a. Unless specifically provided herein, a violation of this section shall be deemed a traffic infraction. Upon an entry of a plea of quality or no context or upon being convicted of such violation, the penalty imposed shall be in accordance with Traffic Ordinance #26, and amendments thereto, or such other similar provision as the City may have in effect.

Section 5. OPERATION OF GOLF CART- INSURANCE REQUIRED; PENALTY:

- a. Every owner of a golf cart shall provide liability coverage in accordance with Texas Transportation Code Subchapter D Section 601.071
- b. All applicable provisions of Texas Transportation Code and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of golf carts.

Section 6. OPERATION OF GOLF CART- DISPLAY OF SLOW-MOVING VEHICLE EMBLEM

- a. It shall be illegal to operate a golf cart vehicle on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow-moving vehicle emblem on the rear of the vehicle.
- b. For the purpose of this section, "slow-moving vehicle emblem" has the same meaning as contained in Texas Transportation Code section 547.703.

Section 7. OPERATION OF GOLF CART- REGISTRATION AND LICENSE FEE; APPLICATION; INSPECTION; PENALTY:

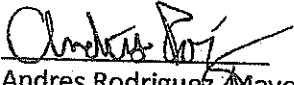
- a. Before operating any golf cart on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the city and a license shall be obtained and placed on the golf cart. The license fee shall be twenty-five (\$25.00) dollars permit fee for a twelve month license. The fee is payable in advance to the City clerk or other person designated by the City Administrator. At the expiration of the 12-month license period, a new registration must be obtained by the golf cart owner.
- b. Application for registration of a golf cart shall be submitted by the owner, or owner's agent in the office the city clerk or other person designated by the City Administrator. The application shall be made upon forms provided by the city and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the vehicle to be registered (including make, model, and serial number, if applicable). Proof of insurance, as required in Section 5 shall be furnished at the time of application for registration.
- c. Prior to the issuance of the registration and license, each applicant for a golf cart license shall first present such vehicle for an official inspection. If, upon inspection and completion of the registration application, such vehicle is found to be in safe mechanical condition, and upon establishing proof of insurance and payment of the fees herein provided, a license shall be issued to the owner who shall attach it to the vehicle. The license shall be displayed in such a manner as to be clearly visible from the rear of the vehicle. The license number on the application will be accounted for and then filed in the Police Department.
- d. It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such licenses during the time in which the same is operative.
- e. The license issued hereunder is not transferrable. In the event of sale or other transfer of ownership of any vehicle license under the provisions of this section, the existing license and the right to use the numbered license shall expire, and the license shall be removed by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his/her possession.
- f. In the event a license is lost or destroyed, the City Clerk or other person designated by the City Administrator, upon proper showing by the license and the payment of a fee of twenty (\$20.00), shall issue a new license in accordance with the provisions of the section.
- g. It shall be unlawful for any person to:
 1. Operate, or for the owner thereof knowingly to permit the operation, upon public street, road, highway, or alley within the corporate limits of the city and golf cart, as defined herein, which is registered and which does not have attached thereto and displayed thereon the license assigned thereto by the city for the current registration year.
 2. Display, cause or permit to be displayed or to have in possession, any registration receipt, registration license or registration decal knowing the same to be fraudulent or to have been canceled, revoked, suspended or altered. A violation of this subsection (2) shall constitute an unclassified misdemeanor punishable by a fine of not less than twenty (\$20.00) and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.

3. Lend to or knowingly permit the use by one not entitled thereto any registration receipt registration license plate or registration decal issued to the person so lending or permitting the use thereof.
4. Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any work-site vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.
5. Carry or display a registered number plate or plates or registration decal upon any golf cart not lawfully issued for such vehicle.
6. Any person convicted of a violation of any of the provisions of this section, shall for the first conviction thereof be punished by a fine of not more than three hundred (\$300) dollars; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than four hundred (\$400) dollars; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than five hundred (\$500) dollars.

Section 8.

This ordinance shall go into effect immediately with owners having received a current registration within the past year having until the end of their current registration period to obtain a new license or registration.

PASSED BY THE CITY COUNCIL AND THIS 19th DAY OF MAY, 2014 AND SIGNED BY THE MAYOR ON 19th DAY OF MAY, 2014.


Andres Rodriguez, Mayor

Attest:

Veronica Garcia, City Administrator