

# CITY OF BRACKETTVILLE

ORDINANCE #2010-05-01

AMENDED #2022-11-01 GC

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OF THE CITY OF BRACKETTVILLE IN COMPLIANCE WITH TEXAS TRANSPORTATION CODE SECTION 551.403 AND 551.404 AS AMENDED OR SUPERSEDED; RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND PROVIDING FOR THE REPEAL OF CURRENT ORDINANCE (S) REFERRING TO GOLF CARTS.**

**WHEREAS**, Texas Transportation Code H.B. No. 2553 (2009) authorized the governing body of a municipality to regulate and control the operation of golf carts within city's legal boundaries and on its public streets to ensure the public safety of the community; and,

**WHEREAS**, Texas Transportation Code Section 551.404, as amended, establishes specific requirement for each municipal government under subsection (a); and,

**WHEREAS**, H.B. No. 2553 (2009) additionally authorizes the governing body of municipality to regulate and enforce other standards of operation which may be particular to its unique station.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRACKETTVILLE, TEXAS:**

**Section 1. Findings.** The findings and recitations set out above are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

**Section 2. Definitions.** As used in this Ordinance, the following terms shall have the meaning indicated as follows:

**City** means the City of Brackettville, Texas.

**Driver's License** means an authorization issued by the Department of Public Safety for operation of a motor vehicle. The term includes a temporary license or instruction permit and an occupational license.

**Golf cart** shall have the meaning assigned by the Texas Transportation Code 551.401. Specifically excluded from this definition are those motorized conveyances commonly referred to as all-terrain vehicles ("ATVs"), off-road vehicles, four-wheelers, Mules, and Gators.

**Night time** shall have the meaning assigned by Texas Transportation Code 541.401(5) and means the period beginning one-half hour after sunset and ending one-half hour before sunrise.

**Operate** shall mean the driving of a golf cart.

**Operator** means any person driving and having physical control over the golf cart.

**Park or parking** means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

**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.

**Street** means a public roadway of the City of Brackettville, Texas by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that:

- a. Provides for no more than two lanes of vehicular traffic per direction; or
- b. Is not designated as part of either the state or federal highway system.

**Section 3. Permitted Locations of Operation.**

- a. Golf carts are permitted to be operated on:
  1. Streets ("permitted streets") where the posted speed limit is 35 miles per hour or less, excluding Highway 90, Loop 166 (Spring Street), Highway 674/334 (Ann Street), and Highway 334 (Campwood Road or 3<sup>rd</sup> Street)
- b. 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.

**Section 4. Registration Permit.**

- a. Before any golf cart may be operated on any permitted street, public highway, or parking area of the City ("permitted location"), it must be registered by the Texas Department of Motor Vehicles and display the license plate as mandated by the Texas Transportation Code, Section 551.402.
- b. In addition to any state requirement for the registration, all golf carts operated on permitted locations shall be registered with the City. The City Administrator shall establish registration procedures and shall cause a permit to be issued to all applicants who have fulfilled the proper registration requirements.
- c. The cost for the permit from the City shall be \$35.00, and the permit shall expire on December 31<sup>st</sup> of that year.
- d. 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.
- e. 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 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.
- f. Violation of this section is punishable by a fine of not more than five hundred (\$500.00) dollars.

**Section 5. Required equipment.**

- a. A golf cart properly registered under Section 4 of this ordinance must be equipped with the following equipment as mandated by the Texas Transportation Code, Section 551.404(a), as amended, and/or required by the City of Brackettville, Texas, to operate on permitted locations:
  1. Operational headlamps;
  2. Operational tail lamps;
  3. Side reflectors;
  4. Operational parking brake; and,
  5. Rearview mirror(s)
- b. A golf cart that is operated at a speed of not more than 25 miles per hour shall display a slow-moving-vehicle emblem when it is operated on a public highway, as defined by Texas Transportation Code, Section 502.001. '
- c. A golf cart that is operated within the City must be equipped with a horn (e.g. bike horn, air horn, etc.).

**Section 6. Operation Regulations.**

- a. All registered operators of golf carts shall:
  1. Be licensed or have a permit, to operate a motor vehicle as provided by Texas Transportation Code, 521.021, as amended, and carry a valid driver's license as provided by Texas Transportation Code, 521.025, and all driver's license permissions and restrictions shall apply to the operating of a golf cart;
  2. Abide by all traffic regulations applicable to vehicular traffic when operating a golf cart in the City;
  3. Use standard hand signals for turning during daylight if the operator's golf cart is not equipped with turn signals;
  4. Not operate or park a golf cart on a sidewalk at any time;

5. Not pull any object or person with a golf cart in a permitted location;
  6. Maintain financial responsibility as required for other passenger vehicles in the Texas Transportation Code, 601.051;
  7. Not intentionally or knowingly allow an unlicensed or unregistered operator to operate a golf cart in violation of this chapter;
  8. Not exceed the seating capacity of the golf cart as designed by the manufacturer;
  9. Be allowed to cross streets which are otherwise not permitted locations under this ordinance.
  10. No individual operating a golf cart shall operate the golf cart while under the influence of alcohol or controlled substance.
  11. No individual operating a golf cart shall operate the golf cart during night time hours, unless the golf cart is properly equipped with headlights, tail lights, break lights and electric turn signals.
  12. 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.
- b. Passengers of golf carts shall:
1. Remain seated at all times while the golf cart is in motion;
  2. Be three years old or older.

**Section 7. Penalty.**

A violation of this chapter shall be deemed a traffic infraction.

Any person who violates this chapter shall be guilty of misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00).

**Section 8. Savings Clause:** All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

**Section 9. Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

**Section 10. Effective Date.** The Ordinance shall be effective immediately following its publication in the local newspaper as required by the Texas Local Government Code. Thereafter, the rules contained therein will apply within the City of Brackettville, Texas.

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 5<sup>th</sup> DAY OF JANUARY 2022 AND SIGNED BY THE MAYOR ON 5<sup>th</sup> DAY OF JANUARY, 2022.



Eric Martinez, Mayor

Attest:



Nora Rivas, City Administrator

PASSED BY THE CITY COUNCIL AND THIS 11<sup>th</sup> DAY OF JANUARY 2022 AND SIGNED BY THE MAYOR ON 11<sup>th</sup> DAY OF JANUARY, 2022.



Eric Martinez, Mayor

Attest:



Nora Rivas, City Administrator