

## ORDINANCE NO. 148

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COAHOMA, TEXAS, REPEALING AND REPLACING ORDINANCE NUMBER 89 IN ITS ENTIRETY; AUTHORIZING THE OPERATION OF GOLF CARTS AND OFF HIGHWAY VEHICLES ON ANY HIGHWAY IN THE CITY WITH A SPEED LIMIT NOT EXCEEDING 35 MILES PER HOUR; REGULATING CERTAIN USES OF GOLF CARTS AND OFF HIGHWAY VEHICLES; PROVIDING FOR A PENALTY OF UP TO \$200.00 FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALER, PUBLICATION, EFFECTIVE DATE; AND PROPER NOTICE.**

### **OPERATION OF GOLF CARTS AND OFF HIGHWAY VEHICLES**

**WHEREAS**, the City of Coahoma, Texas (the "City") is a General Law Type-A city pursuant to Article II, Section 4 of the Texas Constitution and Section 22. 001 et seq, Tex. Loc. Gov. Code. Ann. (Vernon); and

**WHEREAS**, the Texas Transportation Code Section 551.404 regulates the licensing, use and operation of golf carts in the state, and provides that a municipality may regulate certain uses of golf carts within its limits; and

**WHEREAS**, the City Council finds it is necessary in order to preserve and maintain the public health, safety, and welfare of the citizens of Coahoma, Texas, that the following provisions regarding the operation and use of golf carts should be adopted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF COAHOMA, TEXAS:**

#### **ARTICLE I. USE AND OPERATION OF GOLF CARTS**

##### **Section 1-1 Definitions.**

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

"Golf Cart" shall have the meaning assigned by Texas Transportation Code Section 551.401, as it exists or may be amended and includes a motor vehicle designed by the manufacturer primarily for use on a golf course.

"Off Highway Vehicle" or "OHV" shall have the meaning assigned by Texas Transportation Code Section 551A.001 as it exists or may be amended and includes an all-terrain vehicle,

recreational off-highway vehicle, or utility vehicle as those terms are set forth in Chapter 551A of the Texas Transportation Code.

“Operator” shall mean the person operating and having physical control over a golf cart or OHV. An operator must carry a valid driver’s license.

“Public Highway” shall have the meaning assigned by the Texas Transportation Code Section 502.001 (35), as it exists or may be amended, and includes a road, street, way, thoroughfare, or bridge:

- a. that is in the state;
- b. that is for the use of vehicles;
- c. that is not privately owned or controlled; and
- d. over which the state has legislative jurisdiction under its police power.

### **Section 1-2. Vehicle Requirements.**

All Golf Carts and Off Highway Vehicles operated on roads or highways within the City of Coahoma corporate limits pursuant to this ordinance must be in full compliance with the requirements of Chapters 551 and 551A of the Texas Transportation Code.

### **Section 1-3. Authorization and Operation Regulations.**

- a. Golf carts and Off Highway vehicles may be operated on any public highway in the City that has a posted speed limit of 35 miles per hour or less.
- b. All operators of golf carts and off highway vehicles must be licensed to operate a motor vehicle as provided by the Texas Transportation Code and shall carry a valid driver’s license while operating the vehicle.
- c. All operators of golf carts and off highway vehicles shall abide by the provisions of Chapters 551 and 551A of the Texas Transportation Code as well as all traffic regulations applicable to vehicular traffic while using any public highway in the City.
- d. Golf carts and off highway vehicles are entitled to full use of a lane on the public highway and no motor vehicle shall be operated in such a manner as to deprive any such vehicle of the full use of the lane.
- e. Golf carts and off highway vehicles may not be operated on public sidewalks at any time.

### **Sections 1-4. Penalty.**

Any person, firm or corporation that violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be subject to a fine not to exceed \$200.00. Each violation of any provision of this ordinance shall be deemed a separate offense.

### **1-5 – 1-10 Reserved.**

**ARTICLE II. MISCELLANEOUS.**

**Section 2-1 Repeal.** This ordinance repeals and replaces Ordinance No. 89 of the City that was effective on April 1, 2011 and supersedes the provisions of any other ordinance on the same subject matter to the extent of any conflict.


**Section 2-2 Severability.** Should any part, portion, section or provision of this ordinance be declared to be invalid or inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way affect the remaining parts, portions, sections or provisions of this ordinance which provisions shall remain and continue to be in full force and effect.


**Section 2-3 Publication.** The City Secretary is hereby directed to publish a caption of this Ordinance that summarizes its purpose and penalty, as provided in Section 52.011 of the Texas Local Government Code.

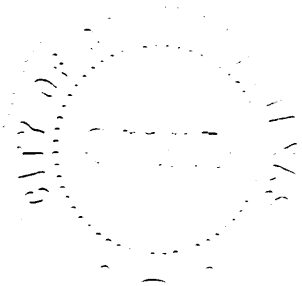
**Section 2-4 Effective Date.** This ordinance shall become effective immediately upon its passage, approval, and publication.

**Section 2-5 Notice and Meeting.** 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 said meeting was given as required by law.

**PASSED, ADOPTED AND APPROVED by the City Council of the City of Coahoma, Texas on this the 22nd day of September, 2020.**

By:   
Warren Wallace, Mayor

**ATTEST:**  
  
Tammy Griffith, City Secretary





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