ORDINANCE 89

AN ORDINANCE REGULATING GOLF CARTS

AN ORDINANCE REGULATING THE USE OF GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY LIMITS; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS $200.00) FOR VIOLATION OF ANY PROVISIONS HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Texas Transportation Code, Section 551.403 specifically provides that a municipality may limit the operation of a golf cart on a street or highway; within its jurisdiction; and

WHEREAS, the City Council has determined that in the interest of safety, it is necessary to regulate the operation of golf carts on public streets and highways in the corporate limits of Coahoma, Texas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF COAHOMA, TEXAS THAT THE FOLLOWING REGULATIONS SHALL BE EFFECTIVE ON THIS DATE, APRIL 1, 2011.

ARTICLE I. REGULATION OF GOLF CARTS

Section 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.

"Operator" shall mean the person operating and having physical control over the golf cart. An operator must carry a valid Texas Drivers' License.

"Golf Cart" as referenced hereafter, shall have the meaning assigned by the Texas Transportation Code § 502.001(7), 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 NEVs, ATVs, four-wheelers, and mules.

"Golf Cart Registration Permit" shall mean a privilege granted upon compliance with terms of this ordinance to legally operate a golf cart upon a public highway, or parking area within the corporate boundaries of the City of Coahoma 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.

"Owner" shall have the meaning assigned by the Texas Transportation Code, § 502.001, 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.

"Public Highway" shall have the meaning assigned by the Transportation Code § 502.001(18), 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 over which the state has legislative jurisdiction under its police power.

Section 2. Required Equipment Regulations.

a. Every golf cart operated within the City of Coahoma shall be equipped with the following equipment which shall be operational at all times: headlights, tail lamps, reflectors, parking brakes, rearview mirror(s) and a slow moving vehicle emblem clearly visible in daylight and at night.

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.

Section 3. Operation Regulations.

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:

a. All operators of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using any public roadway in the City.

b. Golf carts shall not be operated on public sidewalks at any time.

c. Golf carts may only be operated upon a public street or highway with a posted speed limit of not more than 30 mph unless otherwise restricted. Golf carts may not operate at a speed greater than 25 mph at any time in the city.

d. A golf cart may cross a street or highway with a posted speed limit of more than 30 mph if said crossing occurs at an intersection and said crossing is perpendicular to said street or highway.

e. The operator of a golf cart on a public highway may cross a state roadway only at a signalized intersection.

f. All golf carts are entitled to a 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 a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

h. No operator shall operate a golf cart between lanes of traffic.

i. Golf carts shall move to the right and yield right of way to faster vehicles.

j. The operator and every occupant of a golf cart shall be limited to 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.

k. No person may ride in the lap of the driver or any other occupant.

Section 4. Exceptions.

a. Golf carts owned and/or operated for official government purposes by the City of Coahoma or any other governmental entity are exempt from regulation by this ordinance.

b. Golf carts used while evacuating persons during a declared emergency are exempt from regulation by this ordinance during the declared emergency and for 72 hours after the emergency unless otherwise ordered by the City.

Section 5. Registration Permit.

Before any golf cart may be operated on the streets and highways of the City, it must be registered with and provided a permit by the City of Coahoma City Secretary. The city registration permit process includes the following:

a. The applicant shall complete the city-supplied registration permit application which shall contain the:

1) Name and physical and mailing address of the applicant owner.

2) Location where the vehicle is regularly stored overnight.

3) Model, make and golf cart ID number.

4) Current Driver's License information of owner.

5) A statement that the applicant has been furnished a copy of this ordinance and that he or she agrees to comply with all conditions contained in this ordinance and to any local, state or federal laws governing the use of golf carts.

6) A statement that the registration permit holder and any user shall indemnify and hold harmless the City of Coahoma, Texas for any and all civil liability associated with said registration and that the permit holder and user waive any and all rights to sue or allow subrogation by insurance company.

7) Any other information that the city may reasonably require.

b. The registration permit application shall be:

1) Accompanied by a copy of the applicant's Texas Driver's license.

2) Signed by the applicant/owner.

c. Upon receipt of the completed application, arrangements shall be made to inspect the golf cart for adherence to this ordinance.

d. When the inspector has approved the vehicle, the annual 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.

e. The registration permit shall be effective for one year from the date of issuance or until such time as revoked for non-compliance or when the golf cart is transferred to a new owner.

Section 6. Revocation of the Registration Permit.

The registration permit may be revoked if:

a. The owner or operator of the golf cart fails to abide by the rules and regulations of this ordinance, including failure to maintain liability insurance.

b. The owner or driver 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.

Section 7. Registration Permit Is Not Transferrable.

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

SECTIONS 8-10. Reserved.

ARTICLE II. Penalty; Savings and Severability

Section 1. Violation/Penalty.
Any violation of any provision of this Ordinance constitutes a misdemeanor and upon conviction thereof is subject to a fine of up to $200.00 per day or as otherwise provided by a court of competent jurisdiction. Each and every day a violation continues constitutes a separate offense.

Section 2. Savings and severability.
(a) The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of

the provisions of this ordinances are hereby expressly repealed to the extent of any such inconsistency or conflict.

(b) If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Coahoma hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

CITY OF COAHOMA

GOLF CART REGISTRATION PERMIT
(City Ordinance ___)

1. This permit application shall include a copy of the golf cart owner's Texas Driver's license (below).

2. The permit applicant must sign below.

   Signature: _____ Date: _____

   Printed Name: _____

3. By signing line 2 above, I hereby request an inspection of my golf cart in accordance with City of Coahoma regulations.

4. I understand that this registration permit may be revoked by the City for non-compliance. I further understand that any permit issued by the City will be revoked should I sell the golf cart.

   Authorized City Agent: Name: _____

   Signature: _____

   Date: _____

March 2011