

**ORDINANCE NO. 2011-23**

**REGULATION OF GOLF CARTS**

**AN ORDINANCE OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS ESTABLISHING REGULATIONS RELATING TO THE USE OF GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CORPORATE 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; PROVIDING FOR SEVERABILITY AND PROVIDING FOR NOTICE.**

**WHEREAS**, the Town of Providence Village is a municipal corporation organized under the laws of the State of Texas; and

**WHEREAS**, it is the intent of the Town of Providence Village to protect the health, safety and welfare and well being of its citizens; and

**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 Town 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 Providence Village, Texas.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS:**

**SECTION 1. FINDING OF FACTS.**

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2. REGULATION OF GOLF CARTS.**

1. 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.

“*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 hereinafter, shall have the meaning assigned by the V.T.C.A., 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 ATV’s, NEV’s, 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 public highway, or parking area within the corporate boundaries of the Town of Providence Village 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 town 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 the vehicles;
- c. That is not privately owned or controlled; and
- d. Over which the state has legislative jurisdiction under its police power.

2. Required Equipment Regulations.

- a. Every golf cart operated within the Town of Providence Village shall be equipment with the following equipment which shall be operational at all times: tail lamps, parking brakes 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; golf carts operating during night hours shall be equipment with the following equipment which shall be operational at all times: headlights, tail lamps, reflectors, parking brakes, rearview mirror(s) as provided for in §§ 551.404 and 547.703, respectively of the Transportation Code.
- b. Every golf cart powered by gasoline shall at all times be equipment with an exhaust system in good working order and shall comply with all state, federal and city regulations, specifically Ordinance 2011-13 “Restriction on Noises.”
- c. Golf carts which have been altered to allow them to travel at speeds greater than 25 mph are prohibited.

3. 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. Golf carts must maintain evidence of financial responsibility and have proof on vehicle at all times.
- c. All operators of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using any public highway in the Town.
- d. Golf carts shall not be operated on public sidewalks at any time.
- e. Golf carts may only be operated upon a public street or highway with a posted speed limit of not more than 25 mph unless otherwise restricted.
- f. A golf cart may cross a street or highway with a posted speed limit of more than 25 mph if said crossing occurs at an intersection and said crossing is perpendicular to the street or highway with a posted speed limited of more than 25 mph.
- g. The operator of a golf cart on a public highway may cross a multi-lane or a county or state route only at intersections with proper traffic control devices.
- h. 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.
- i. The operator of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- j. No operator shall operate a golf cart between lanes of traffic or between adjacent lines of rows of vehicles.
- k. Golf carts shall move to the right and yield the right of way to faster moving vehicles.
- l. 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.
- m. Occupants less than 3 years of age must be in approved child restraint devices.
- n. No person may ride in the lap of the driver or any other occupant.

4. Exceptions.

- a. Golf carts owned and/or operated for official government purposes by the Town of Providence Village or any other governmental entity are exempt from regulation of registration contained in 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 Town.

5. Registration Permit.

Before any golf cart may be operated on the streets and highways of the Town, it must be registered with and provided a permit by the Town of Providence Village. The first time registration fee and annual renewal fee which covers administrative costs shall be in accordance with the fee schedule assessed by the Town of Providence Village. The Town registration permit process includes the following:

- a. The applicant shall complete the town-supplied registration permit application which shall contain:
  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/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 identify and hold harmless the Town of Providence Village 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 Town may reasonably require.
- b. The registration permit application shall be:
  1. Accompanied by the permit fee for first time applicants and annual renewals thereafter, in accordance with the fee schedule assessed by the Town of Providence Village.
  2. Accompanied by evidence of financial responsibility consistent with the minimum requirements of the Texas Transportation Code and Insurance Code for the operation of said vehicle. A copy of the certificate of insurance shall be attached to the application.

3. Accompanied by a copy of the applicant's Texas Driver's license.
  4. Signed by the applicant/owner.
- c. Upon receipt of the completed application and permit fee, 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.
  - d. The registration permit shall be effective for the date of issuance until December 31<sup>st</sup> of that same calendar year or until such time as revoked for non-compliance or when the golf cart is transferred to a new owner.

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 wireless communication device in a school zone during restricted school hours.

7. Registration Permit is Not Transferrable.

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

**SECTION 3. PENALTY CLAUSE.**

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than Two Hundred Dollars (\$200.00) per offense. Each day of violation shall constitute a separate offense.

**SECTION 4. REPEAL OF CONFLICTING ORDINANCES.**

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**SECTION 5. SEVERABILITY.**

In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provisions hereof other than the part declared

to be invalid or unconstitutional; and the Town Council of the Town of Providence Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**SECTION 6. NOTICE BY PUBLICATION.**

The Town Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the Town; the Ordinance to take effect upon publication.

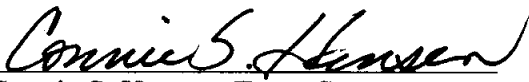
**READ, CONSIDERED, PASSED AND APPROVED** on first reading by the Town Council at a regular meeting the 12<sup>th</sup> day of September, 2011, at which a quorum was present.

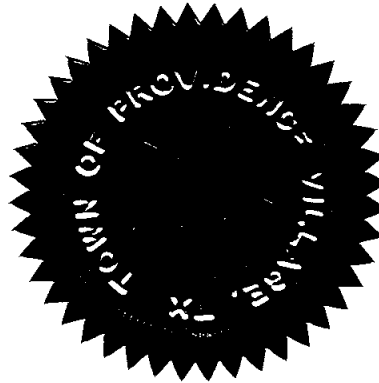
**READ, CONSIDERED, PASSED AND APPROVED** on second and final reading by the Town Council at a regular meeting the 10<sup>th</sup> day of October, 2011, at which a quorum was present.

**PASSED AND APPROVED** on second and final reading this 10<sup>th</sup> day of October, 2011.

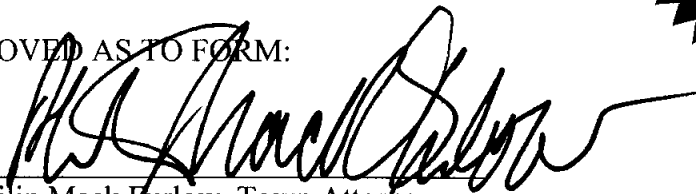
By:   
Brian D. Roberson, Mayor

ATTEST:

By:   
Connie S. Hansen, Town Secretary



APPROVED AS TO FORM:

By:   
Philip Mack Furlow, Town Attorney