

ORDINANCE NO. 2022-O-14

AN ORDINANCE REGULATING THE USE OF GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES, AND OTHER TYPES OF RECREATIONAL OFF-HIGHWAY VEHICLES; PROVIDING FOR CODIFICATION; FIXING A PENALTY FOR FAILURE TO COMPLY WITH SUCH ORDINANCE; REPEALING ANY CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS.

SECTION 1. Chapter 12 of the City of Palacios Code of Ordinances is hereby amended to add new Article 12.11, Golf Carts, Neighborhood Electric Vehicles and other Types of Recreational Off-Highway Vehicles, as follows:

ARTICLE 12.11 GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND OTHER TYPES OF RECREATIONAL OFF-HIGHWAY VEHICLES

Sec. 12.11.001. Definitions.

These terms shall have the following meanings:

All-terrain vehicle means a motor vehicle that is:

1. Equipped with a seat or seats for the use of:
 - a. The rider; and
 - b. A passenger(s), if the motor vehicle is designed by the manufacturer to transport a passenger(s);
2. Designed to propel itself with three or more tires in contact with the ground;
3. Designed by the manufacturer for off-highway use;
4. Not designed by the manufacturer primarily for farming or lawn care; and
5. Not more than 50 inches wide.

City means the City of Palacios, Texas.

Daytime means the period beginning one-half hour before sunrise and ending one-half hour after sunset.

Golf cart shall have the meaning assigned by Texas Transportation Code § 502.001, as amended, which currently defines it as a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. It must have a minimum of four wheels and have an attainable top speed not greater than 25 miles per hour on a paved level surface and be manufactured primarily for transporting persons on a golf course and in compliance with those federal motor vehicle safety standards for low-speed vehicles. The term "Golf cart" shall not include those motorized conveyances commonly referred to as All-terrain vehicles ("ATVs"), off-road vehicles (also known as "ROVs"), four-wheelers, mules, gators, and design-altered Golf carts which have been altered to allow them to travel at a speed greater than 25 miles per hour.

Neighborhood electric vehicle (NEV) (includes low speed vehicles "LSV") means a vehicle that can attain a maximum speed of 35 miles per hour on a paved

level surface and otherwise complies with the definition of a "Neighborhood Electric Vehicle" as defined by Tex. Transp. Code §551.301 or with Federal Motor Vehicle Safety Standard No. 500; Low-Speed Vehicles (Effective Sept. 5, 2017). This standard specifies requirements for low-speed vehicles. A low-speed vehicle is a gasoline or electric powered four-wheeled motor vehicle, other than a truck, whose attainable speed is more than 32 km/h (20 mph) and not more than 40 km/h (25 mph). The standard requires ten specific items of safety equipment. [Not listed. See Texas Transportation Code § 551.301] ** Has a normal maximum speed of 20—25 mph (LSV) or 20—35 mph (NEV). The term "Neighborhood electric vehicle" shall not include those motorized conveyances commonly referred to as All-terrain vehicles ("ATVs"), off-road vehicles (also known as "ROVs"), four-wheelers, mules, or gators.

Nighttime means the period beginning one-half hour after sunset and ending one-half hour before sunrise.

Operate shall mean driving.

Operator means any person driving and having physical control over the motor vehicle.

Park or *Parking* means the standing or stopping of a vehicle, whether occupied or not, other 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.

Recreational off-highway vehicle means a motor vehicle that is:

1. Equipped with a seat or seats for the use of:
 - a. The rider; and
 - b. A passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;
2. Designed to propel itself with four or more tires in contact with the ground;
3. Designed by the manufacturer for off-highway use by the Operator only; and
4. Not designed by the manufacturer primarily for farming or lawn care.

Street means a public roadway in the City of Palacios, Texas by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that is open to vehicular traffic.

Sec. 12.11.002. Limited operation.

- A. Golf carts and NEV's are permitted to be Operated on:
 1. Streets where the posted speed limit is 35 miles per hour or less,
 2. A Parking area as defined by this article.
- B. A Golf cart/NEV may be driven across intersections where the cross Street has a posted speed limit of more than 35 miles per hour.
- C. Nighttime driving of a Golf cart/NEV is prohibited. A Golf cart/NEV may only be driven during the Daytime.
- D. A NEV/ Golf Cart may drive across intersections where the cross-Street has a posted speed limit of more than 35 miles per hour, even if the cross-Street is otherwise a prohibited Street under this article.

- E. Notwithstanding anything in this section 12.11.002 to the contrary, Golf Carts and Neighborhood Electric Vehicles may be operated on public streets for activities related to parades permitted under this chapter and events organized or sponsored by the City of Palacios.
- F. The operation of a Golf Cart/NEV shall be prohibited on any sidewalk, seawall, or beach.

Sec. 12.11.003. Required equipment—Golf cart/NEV's.

- A. A Golf Cart/NEV Operated under this article must be equipped, at a minimum, with the following equipment as mandated by the Texas Transportation Code § 551.404(b), as amended, and/or required by the City to Operate on permitted locations:
 1. Operational headlamps;
 2. Operational tail lamps;
 3. Side reflectors;
 4. Operational Parking brake; and
 5. Rearview mirror(s).
 6. Turn signals;
 7. Horn;
 8. Brake lights;
 9. Seat belts;
 10. A safety-orange flag on a six-foot fiberglass whip pole; and
 11. Windshield
- 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" as defined by Texas Transportation Code § 547.703.
- C. Equipment, and its installation and maintenance, must meet standards provided by the Texas Transportation Code, as amended.
- D. Golf Carts/NEV's must be inspected by the Palacios Police Department not less than once per year for compliance with this section. The fee for inspection is \$10.00, to be paid by the owner prior to the inspection, such fee shall not be refunded if the golf cart fails the inspection. Upon verification of compliance with this section, the Palacios Police Department shall affix a decal to the vehicle, indicating the date of inspection, the inspector's name and signature, and a statement that the vehicle complies with this section.

Sec. 12.11.005. Operator regulations.

- A. All Operators of Golf carts or NEVs shall:
 1. Be licensed 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 state law Driver's license permissions and restrictions shall apply to the operation of a Golf cart or NEV;

2. Abide by all state and local traffic regulations applicable to vehicular traffic;
3. Not Operate or park on a sidewalk or hike and bike trails at any time;
4. Not use the vehicle to pull any object or person at any time;
5. Not exceed the seating capacity of the vehicle as designed by the manufacturer;
6. Remain seated at all times while the vehicle is in motion, and ensure the same for passengers. Passengers can be issued a citation for not remaining seated while vehicle is moving;
7. Maintain financial responsibility as defined in Texas Transportation Code § 601.051; and
8. Not intentionally or knowingly allow an unlicensed Operator to Operate the vehicle.
9. Use headlights at all times the Golf Cart or Neighborhood Electric Vehicle is in operation.

Sec. 12.11.006. All-terrain vehicles, Recreational off-highway vehicles.

It shall be unlawful for a person to Operate an ATV or ROV on a Public Street or location except as provided by state law and this section. A person may only drive across a public Street or highway that is not an interstate or limited-access highway, if done so in accordance with state law. (See Texas Transportation Code § 663.037, and as amended.)

Sec. 12.11.009. Penalties.

Only warning citations may be issued for the first 30 days following the effective date of this article so that an educational effort by the City may be conducted to inform the public about the importance and requirements of this article. In addition to traffic violations for which the owner or driver of the Golf cart or NV may be subject to pursuant to state law, any person who violates this article shall be guilty of a misdemeanor punishable by a fine of \$200.00;

Each day's violations shall constitute a separate and distinct offense. Any prior conviction under this article will count towards a second and third charge regardless of when it occurred.

SECTION 2. It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Palacios, Texas, and it may be renumbered and codified therein accordingly, in the manner approved by the City Attorney.

SECTION 3. Failure to comply with any provision of this ordinance shall be punished by a fine not to exceed Two Hundred and No/100 (\$200.00) per day that said person is in violation of this Ordinance.

SECTION 4. If any part of this ordinance is, or should be held invalid for any reason, then that fact shall not invalidate the entire ordinance, but the balance thereof shall remain in full force and effect.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. The City Secretary shall publish this Ordinance as required by City Charter.

SECTION 7. This ordinance shall become effective upon the final passage date shown below.

First Reading this the 1st day of December 2022.

Chip Woolf

 Chip Woolf, Mayor Pro Tem.

RECORD OF VOTE

Council Member:	Voted Aye	Voted No	Absent
Jim Gardner, Mayor	_____	_____	_____ ✓
Larry Glenn	_____ ✓	_____	_____
Sharon Trainor	_____ ✓	_____	_____
Chip Woolf	_____ ✓	_____	_____
Troy Lewis	_____ ✓	_____	_____
Raylynn Samora	_____ ✓	_____	_____
Michael Dotson	_____ ✓	_____	_____

Second Reading this the 12th day of January 2023.

Jim Gardner

 Jim Gardner, Mayor

RECORD OF VOTE

Council Member:	Voted Aye	Voted No	Absent
Jim Gardner, Mayor	_____ ✓	_____	_____
Larry Glenn	_____ ✓	_____	_____
Sharon Trainor	_____ ✓	_____	_____
Chip Woolf	_____ ✓	_____	_____

Troy Lewis	<u>✓</u>	_____	_____
Raylynn Samora	<u>✓</u>	_____	_____
Michael Dotson	_____	_____	<u>✓</u>

PASSED AND APPROVED this 12th day of January 2023.

Jim Gardner
 Jim Gardner, Mayor

ATTEST:
Aleisha Galvan
 Aleisha Galvan, City Secretary

APPROVED AS TO FORM AND CONTENT:

Anne Marie Odefey
 Anne Marie Odefey, City Attorney

