

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING CHAPTER 20, "TRAFFIC", OF THE BRECKENRIDGE CODE OF ORDINANCES BY ADDING ARTICLE VII, "MOTORIZED CARTS"; ALLOWING FOR THE USE OF MOTORIZED CARTS ON AUTHORIZED STREETS WITHIN THE CITY; ESTABLISHING REGULATIONS CONCERNING THE OPERATION OF MOTORIZED CARTS; PROVIDING A PENALTY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge, Texas (the "City") is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, the City has the power to adopt ordinances "necessary to protect health, life, and property" within the City, as long as those ordinances are not inconsistent with State law, pursuant to Section 3.2 of the Charter;

WHEREAS, pursuant to Section 551.404(a) of the Texas Transportation Code, the City Commission of the City of Breckenridge (the "City Commission") "may allow an operator to operate a golf cart on all or part of a highway that is in the corporate boundaries of the municipality and has a posted speed limit of not more than 35 miles per hour"; and

WHEREAS, pursuant to this authority, the City Commission wishes to allow the operation of golf carts within the City and to provide for reasonable regulations for same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

I. Amendment to Chapter 20. The following provisions are hereby enacted to regulate the operation of motorized carts within the City, to be codified as Article VII, "Motorized Carts", of Chapter 20, "Traffic", of the Breckenridge Code of Ordinances:

Sec. 20-110. Definitions.

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

Authorized Street. The public roadways of the city by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that:

- (1) Has a posted speed limit of 35 miles per hour or less.
- (2) Provides for no more than two lanes of vehicular traffic per direction: or
- (3) Is not designated as part of either the state or federal highway system.

Driver. The person driving and having physical control over the motorized cart.

Motorized cart. Those electric or gas-powered carts, commonly referred to as golf carts, but which must have a minimum of four wheels and which have an attainable top speed not greater than 25 miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATVs, four-wheelers, “go-carts,” mules, and gators.

Owner. The person holding title to the motorized cart and the person required to register the motorized cart with the city.

Parking area. 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.

Sec. 20-111. Required equipment.

Every motorized cart must be equipped, as mandated by Section 551.4041 of the Texas Transportation Code, with the following:

- (1) Operational headlamps;
- (2) Operational taillamps;
- (3) Side reflectors;
- (4) Operational parking brake;
- (5) Rearview mirror(s); and
- (6) Horn.

Sec. 20-112. Operation regulations.

- (a) All drivers of motorized carts must carry a current and valid Texas driver’s license and be at least 16 years of age.
- (b) All drivers of motorized carts shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the city.
- (c) Motorized carts shall not be operated on sidewalks at any time.
- (d) All motorized carts are entitled to a full use of a lane on the authorized streets and parking areas of the city and no motor vehicle shall be driven in such a manner as to deprive any motorized cart of the full use of a lane.
- (e) The driver of a motorized cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (f) No driver shall operate a motorized cart between lanes of traffic or between adjacent lines of rows of vehicles.
- (g) The driver of a motorized cart operating the cart on an authorized street may cross a road or authorized street at an intersection controlled by stop sign or traffic light.

Sec. 20-113. Liability.

Nothing in this article shall be construed as an assumption of liability by the city for any injuries to persons, pets or property which may result from the operation of a motorized cart an authorized driver. Registered owners are fully liable and accountable for the actions of any individual that they provide permission to operate and drive said motorized cart, both on personal and/or city and public properties. This described liability responsibility especially applies to personal injuries or property damage resulting from motorized cart drivers.

Sec. 20-114. Penalties.

Violations of the terms of this article shall be punishable as stated in Sec. 1-6 of this Code.

Sec. 20-115—20-119. Reserved.

II. Repeal. Any prior ordinances or ordinance provisions are hereby repealed to the extent they are in conflict with the terms of this Ordinance. Any remaining provisions of said ordinances shall remain in full force and effect.

III. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Breckenridge 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, clauses, or phrases be declared unconstitutional or invalid.

IV. Effective Date. This Ordinance shall become effective immediately upon its adoption and after publication as required by law.

PASSED, APPROVED, AND ADOPTED on this the 7th day of June 2022.

ATTEST:

Bob Sims, Mayor

Jessica Sutter, City Secretary