

## EXHIBIT A

The City of Castroville Code of Ordinances Chapter 106, Traffic and Vehicles is hereby amended by adding Article VII, Operation of Golf Carts and Off-highway Vehicles on Public Streets as set forth below:

**ADD:**

### ARTICLE VII OPERATION OF GOLF CARTS AND OFF-HIGHWAY VEHICLES ON PUBLIC STREETS

#### Sec. 106-180 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:

Child Passenger Safety Seat System. An infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.

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

Driver's license. An authorization issued by a state for the operation of a motor vehicle. The term includes:

- (1) A temporary license or instruction permit; and
- (2) An occupational license.

Golf cart. A motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.

Neighborhood electric vehicle (NEV). means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500). (Texas Transportation Code section 551.301)

Off-highway vehicle. For purposes of this ordinance, includes a recreational off-road vehicle, neighborhood electric vehicle, and a utility vehicle. (Texas Transportation Code Chapter 551A.001)

Owner. The person holding title to the golf cart.

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.

Permit. A certificate/decal of authorization issued to the applicant by the City's Police Department authorizing the operation of the golf cart for which the permit was issued.

Permit holder. The person to whom a golf cart permit has been issued.

Public safety personnel. Any employee or officer of a governmental law enforcement agency.

Public street. A publicly owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the corporate boundaries of the City.

Recreational Off-Road Vehicle. A motor vehicle that is:

- (a) equipped with a seat or seats for the use of:
  - (1) the rider; and
  - (2) a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;
- (b) designed to propel itself with four (4) or more tires in contact with the ground;
- (c) designed by the manufacturer for off-highway use by the operator only; and
- (d) not designed by the manufacturer primarily for farming or lawn care.
- (e) not less than 50 inches wide.

Sidewalk. The portion of a street that is between a curb or lateral line of a roadway and the adjacent property line and intended for pedestrian use.

Slow-moving-vehicle-emblem. A triangular emblem that conforms to standards and specifications adopted by the director of the State Department of Transportation under V.T.C.A., Transportation Code § 547.104 of the and is displayed in accordance with V.T.C.A., Transportation Code § 547.703.

Texas Transportation Code. The code as it currently exists or may be amended.

Traffic way. Any land way open to the public as a matter of right or custom for moving persons or property from one (1) place to another. The traffic way includes all property, both improved and unimproved, between the property lines of a roadway system.

Utility vehicle. A motor vehicle that is not a golf cart, as defined above, or lawn mower and is:

- (a) equipped with side-by-side seating for the use of the operator and a passenger;
- (b) designed to propel itself with at least four (4) tires in contact with the ground;
- (c) designed by the manufacturer for off-highway use only; and
- (d) designed by the manufacturer primarily for utility work and not for recreational purposes.

Working days. Monday through Friday, excluding City holidays.

## **Sec. 106-181 Golf Carts and Off-Highway Vehicles Permitted and Restricted**

A person, other than public safety personnel, may operate a golf cart and/or an off-highway vehicle on a public street, parking area and/or traffic way if the person obtains a permit and meets the following requirements:

- (1) The maximum speed limit on the public street is 35 miles per hour or less;
- (2) The person has a valid driver's license;
- (3) The person maintains current financial responsibility for the golf cart and/or an off-highway vehicle, as required of other passenger vehicles in V.T.C.A., Transportation Code § 601.051;
- (4) The person complies with all applicable federal, state and local laws and ordinances;

- (5) The golf cart and/or an off-highway vehicle has the following equipment, which must continuously remain in good working and operational order:
  - (A) Two (2) headlamps;
  - (B) Two (2) tail lamps;
  - (C) Side reflectors (two (2) front, amber in color and two (2) rear, red in color);
  - (D) Parking brake (If equipped from manufacturer);
  - (E) Rearview mirror(s), capable of a clear, unobstructed view of at least 200 feet to the rear;
  - (F) Slow-moving vehicle emblem; and
  - (G)
    - (a) For Recreational Off-Road Vehicles and Utility Vehicles, a license plate issued by local tax assessor/collectors office as required by the Texas Transportation Code, section 551A.052. This license plate is required for all off-highway vehicle usage within the City except for exemptions provided under Texas Transportation Code, section 551A.057 which reads as follows;
    - (b) the production, cultivation, care, harvesting, preserving, drying, processing, canning, storing, handling, shipping, marketing, selling, or use of agricultural products, as defined by Section 52.002, Texas Agriculture Code; or
    - (c) utility work performed by a utility;
      - 1. the operator attaches to the back of the vehicle a triangular orange flag that is at least six (6) feet above ground level;
      - 2. the vehicle's headlights and taillights are illuminated;
      - 3. the operation of the vehicle occurs in the daytime; and
      - 4. the operation of the vehicle does not exceed a distance of 25 miles from the point of origin to the destination.
- (6) The equipment described herein meets the Texas and Federal Motor Vehicle Safety Standards, as they exist or may be amended; and
- (7) While the golf cart and/or an off-highway vehicle is in motion, the driver and every passenger in a golf cart and/or an off-highway vehicle is seated in a seat designed to hold passengers. No person may stand or ride in the lap of the driver and/or other passenger of a golf cart and/or an off-highway vehicle while it is moving.

**Sec. 106-182 Additional Operational Regulations for All Golf Carts and Off-Highway Vehicles**

- (a) Except for public safety personnel, golf carts and/or an off-highway vehicles shall not be operated on any sidewalk, pedestrian walkway, jogging path, park trail or any location normally used for pedestrian traffic;
- (b) All golf carts and/or an off-highway vehicles are entitled to a full use of a lane on the authorized public streets, parking areas and traffic ways of Castroville, and no motor vehicle

shall be driven in such a manner as to deprive any golf cart and/or an off-highway vehicle of the full use of a lane;

- (c) The driver of a golf cart and/or an off-highway vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken;
- (d) No driver shall operate a golf cart and/or an off-highway vehicle between lanes of traffic or between adjacent lines or rows of vehicles;
- (e) The driver of a golf cart and/or an off-highway vehicle operating the golf cart and/or an off-highway vehicle on a public street may only cross a multi-lane federal, county or state route at an intersection controlled by an official traffic control device which stops traffic from all directions. The driver of a golf cart and/or an off-highway vehicle may cross a multi-lane road, other than a federal, state, or county route, if it is required to cross from one (1) portion of a golf course to another portion of the same golf course. If a golf cart crossing path is provided for transition between one (1) section of a golf course to another section of the same golf course across a multi-lane road, the operator shall cross at and within the golf cart crossing path;
- (f) The number of occupants in a golf cart and/or an off-highway vehicle shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart and/or an off-highway vehicle;
- (g) Children must be properly seated while a golf cart and/or an off-highway vehicle is in motion as noted in items 1 and 2 below, and may not be transported in a reckless or negligent manner:
  - (1) No child younger than 18 months of age may be transported in a golf cart and/or off-highway vehicle unless restrained in a child passenger safety seat system as defined in this ordinance.
  - (2) No child 18 months of age but less than six (6) years of age may be transported in a golf cart and/or an off-highway vehicle unless restrained by a safety belt restraint.
- (h) Golf carts and/or an off-highway vehicle may not be used for the purpose of towing another golf cart and/or an off-highway vehicle, trailer or vehicle of any kind including, without limitation, a person on roller skates, skateboard or bicycle. A person employed by a golf course may tow a golf cart(s) for the purpose relocating the cart(s) from one (1) portion of a golf course to another portion of the same golf course. Towing of a utility trailer, farm and/or landscaping implement, for purposes of property and/or livestock management is exempt from this restriction.

### **Sec. 106-183 Liability**

- (a) Nothing in this article shall be construed as an assumption of liability by Castroville for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart and/or an off-highway vehicle; and
- (b) Owners are fully liable and accountable for the action of any individual that they provide permission to operate and drive said golf cart and/or an off-highway vehicle, both on personal and/or any authorized public streets, parking areas and traffic ways.

## **Sec. 106-184 Permit Required**

- (a) No person shall operate, cause to be operated or allow the operation of a golf cart and/or an off-highway vehicle on any authorized public streets, parking areas and traffic ways unless a valid permit has been issued for the golf cart and/or an off-highway vehicle or otherwise allowed by law.
- (b) Application for a permit authorizing the operation of a golf cart and/or an off-highway vehicle shall be made by a person who owns leases or otherwise uses a golf cart and/or an off-highway vehicle. Such application shall be made in writing to the City's Police Department on a form designated for that purpose. On such application shall be set forth the following:
  - (1) The name, address, telephone number and state driver's license number, if applicable, of the permit holder;
  - (2) The street address where the golf cart and/or an off-highway vehicle is kept, including the particular suite or apartment number, if applicable;
  - (3) The business name used for the premises where the golf cart and/or an off-highway vehicle is kept, if applicable;
  - (4) The year, make, model, color, vehicle identification number or serial number if no vehicle identification number has been issued to the golf cart and/or an off-highway vehicle, electric or gasoline; and
  - (5) The person(s) and location, designated by the City's Chief of Police, that inspected the golf cart and/or an off-highway vehicle, including a certification by said inspector that the golf cart and/or an off-highway vehicle complies with the requirements of this Ordinance before the issuance of a permit;
- (c) The permit shall be permanently affixed on the left front side of the golf cart and/or an off-highway vehicle in such a manner that it is clearly visible from 50 feet. In addition, a permit will be affixed to the rear in a manner that is clearly visible from 50 feet. The permit must not be damaged, altered, obstructed, or otherwise made illegible. The permit holder shall apply for replacement permit and pay all applicable cost associated with the issuance and inspection of the golf cart and/or an off-highway vehicle;
- (d) The permit shall only be placed upon the golf cart and/or an off-highway vehicle for which it was issued;
- (e) A permit issued to a golf cart and/or an off-highway vehicle shall become invalid if the golf cart and/or an off-highway vehicle is altered in a manner that fails to comply with any requirement of this Ordinance;
- (f) Permits/stickers are valid until the ownership transfers. The fee adopted in the City's fee schedule on file with the City Secretary shall apply to inspection by the Police Department (includes permit/sticker).
- (g) The permit holder shall notify the City's Police Department within 10 working days if the golf cart and/or an off-highway vehicle transfers ownership or the address of the normal storage location has changed. The information shall be submitted on a form designated by the City's Chief of Police;

- (h) Lost or stolen permit/stickers are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit/sticker. If no record can be found of a previous application, or the receipt of a permit/sticker, the City's Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary before a replacement permit/sticker is issued;
- (i) Any person who operates a golf cart and/or an off-highway vehicle and fails to receive and properly display a City Permit/Sticker will be subject to all applicable state laws, in addition to being in violation of this Ordinance; and
- (j) A permit may be revoked at any time by the City's Chief of Police, or his designee, if there is any evidence that the permit holder cannot safely operate a golf cart and/or an off-highway vehicle on any authorized public streets, parking areas and traffic ways of the City in compliance with this Ordinance.

#### **Sec. 106-185 Public Safety Personnel**

Public safety personnel may operate a golf cart and/or an off-highway vehicle on any public street, parking area and traffic way without any further restrictions when the golf cart and/or an off-highway vehicle is used in the performance of his/her duties.

#### **Sec. 106-186 Penalty**

Violations of this section shall be considered a Class C misdemeanor and is subject to the fines as set forth in [section 1-4](#) in the City of Castroville Code of Ordinances.