

## **AN ORDINANCE**

**AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH, TEXAS AMENDING THE CITY OF FAIR OAKS RANCH CODE OF ORDINANCES CHAPTER 12 "TRAFFIC & VEHICLES" ARTICLE 12.04 "OPERATION OF GOLF CARTS ON PUBLIC STREETS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, Chapter 551, Subchapter F, of the Texas Transportation Code, to allow for the operation of off-highway vehicles within municipalities under certain conditions; and

**WHEREAS**, the Texas Transportation Code grants to municipalities the authority to control the operations of motor vehicles using its streets and to prescribe reasonable and safe restrictions related to the stopping, standing and parking of vehicles; and

**WHEREAS**, in November 2017 the City Council passed and approved Ordinance 2021-17 regulating the use of golf carts on city-owned streets; and,

**WHEREAS**, the Texas Transportation Code includes recreational off-road vehicles and utility vehicles as off-highway vehicles; and,

**WHEREAS**, the City Council has determined it would be advantageous and beneficial to the citizens of the City of Fair Oaks Ranch, Texas and in the best interest of the public health, safety and welfare of the citizens and the public to establish regulations for the operation of golf carts, recreational off-road vehicles, and utility vehicles.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FAIR OAKS RANCH, TEXAS:**

- PART 1.** Chapter 12 "Traffic and Vehicles"; Article 12.04 "Operation of Golf Carts on Public Streets" is hereby amended as set forth in the attached Exhibit A.
- PART 2.** That the recitals contain in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.
- PART 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.
- PART 4.** That it is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**PART 5.** Any person, firm, entity, or corporation who violates any provision of this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense.

**PART 6.** This ordinance shall take effect immediately from and after its second reading, passage and publication as may be required by governing law.

**PART 7.** The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Fair Oaks Ranch under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

**PART 8.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

**PASSED and APPROVED** on first reading this 6th day of January 2022.

**PASSED, APPROVED, and ADOPTED** on second reading this 20<sup>th</sup> day of January 2022.

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Greg Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

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Christina Picioccio, City Secretary

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Denton, Navarro, Rocha, Bernal and  
Zech, City Attorney

## **Exhibit A**

Chapter 12 “Traffic and Vehicles” Article 12.04 “Operation of Golf Carts on Public Streets” is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

### **Article 12.04 Operation of Golf Carts and Off-Highway Vehicles on Public Streets**

#### **Sec. 12.04.001 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:

- a) a temporary license or instruction permit; and
- b) an occupational license.

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

Owner. The person holding title to the golf cart.

Off-Highway Vehicle. For purposes of this ordinance, includes a recreational off-road vehicle and a utility vehicle.

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 Fair Oaks Ranch.

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 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 Texas Department of Transportation under Section 547.104 of the Texas Transportation Code and is displayed in accordance with Section 547.703 of the Texas Transportation Code.

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 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 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. 12.04.002 Golf carts & 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:

- a) The maximum speed limit on the public street is thirty-five (35) miles per hour or less;
- b) The person has a valid driver's license;

- c) The person maintains current financial responsibility for the golf cart and/or an off-highway vehicle, as required of other passenger vehicles in Section 601.051 of the Texas Transportation Code;
- d) The person complies with all applicable federal, state and local laws and ordinances;
- e) The golf cart and/or an off-highway vehicle has the following equipment, which must continuously remain in good working and operational order:
  - 1. Two (2) headlamps;
  - 2. Two (2) tail lamps;
  - 3. Side reflectors (two (2) front, amber in color and two (2) rear, red in color);
  - 4. Parking brake (If equipped from manufacturer);
  - 5. Rearview mirror(s), capable of a clear, unobstructed view of at least two hundred feet (200') to the rear;
  - 6. Slow-moving vehicle emblem for golf carts;
  - 7. 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 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.
- f) The equipment described herein meets the Texas and Federal Motor Vehicle Safety Standards, as they exist or may be amended; and
- g) 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. 12.04.003 Additional operational regulations for all golf carts & 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 Fair Oaks Ranch, 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 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 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 eighteen (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 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. 12.04.004      Liability**

- a) Nothing in this Article shall be construed as an assumption of liability by Fair Oaks Ranch 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. 12.04.005      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. A permit is not required for golf carts owned or leased by the golf course and used entirely on the golf course or crossing from one section of a golf course to another section of the same course. A permit is not required for a privately-owned golf cart used entirely on

the golf course or crossing from one section of a golf course to another section of the same course. No golf cart exempted from permitting under this section may be operated on any public streets, parking areas and traffic ways for any other purpose; or if crossing a federal, state, or county roadway is necessary to access the driver's property which traverses both side of the roadway.

- (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 side of the golf cart and/or an off-highway vehicle in such a manner that it is clearly visible from fifty feet (50'). 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 following fee shall apply:
1. Inspection by Police Department \$20.00 (includes Permit/Sticker);
- (g) The permit holder shall notify the city's Police Department within ten (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. 12.04.006      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.