



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

January 20, 2022

AGENDA TOPIC: Approval of the second reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 12 "Traffic & Vehicles" Article 12.04 "Operation of Golf Carts on Public Streets" by establishing regulations for the operation of recreational off-road vehicles and utility vehicles on city-owned streets and providing additional clarification regarding child safety restraints as defined by the Texas Transportation Code.

DATE: January 20, 2022

DEPARTMENT: City Council and Police Department

PRESENTED BY: Consent Agenda - Scott Parker, Council Member, Place 5
Chesley Muenchow, Council Member, Place 6
Tim Moring, Chief of Police

INTRODUCTION/BACKGROUND:

Our city is a bedroom community which desires to retain that flavor. As a council and staff, we are committed to fulfilling our residents expressed desires to protect our quality of life, provide for public health and safety, and protect existing investment and valued community assets. In November 2017, the city found it to be in the best interest of the citizens to retain the right to operate golf carts on our city streets. In accordance with Texas Transportation Code Chapter 551 Subchapter F, City Council, under Ordinance 2017-12, established golf cart regulations. This ordinance can be found in the city's Code of Ordinances Chapter 12 "Traffic & Vehicles" Article 12.04 "Operation of Golf Carts on Public Streets".

At the October 7, 2021 regular business meeting, Council Members Muenchow and Parker sponsored an agenda item to discuss the possibility of allowing recreational off-road vehicles and utility vehicles on city-owned streets. During the discussion, it was noted that UTV's are the vehicle of choice by many residents in the more rural, equestrian, ranch, and farming areas of the City because unlike golf carts, they are designed for more intensive uses such as farming and ranching. The Texas Transportation Code Chapter 551 defines these types of vehicles as off-highway vehicles. Furthermore, it grants cities the authority to control the operations of said motor vehicles on its streets and to prescribe reasonable and safe restrictions related to the stopping, standing, and parking of said vehicles.

At the December 2, 2021 regular business meeting, Council members Muenchow and Parker volunteered to work with the City Manager and Chief of Police to review the existing golf cart ordinance and frame proposed amendments allowing for the use off-road vehicles and utility vehicles on certain roadways within the City. The proposed ordinance before you amends Chapter 12 Article 12.04 with the inclusion of the following:

- A definition of Recreational Off-Road Vehicles and Utility Vehicles as off-highway vehicles.

- Expanded clarification of the operations of golf carts and off-highway vehicles with child passengers to include legal requirements regarding safety restraints as defined by Texas Transportation Code
- Certain exemptions to off-highway vehicle usage under certain circumstances.

The first reading of the Ordinance was approved at the January 6, 2022 Council meeting with the following corrections:

In Sec. 12.04.002 Golf carts & off-highway vehicles permitted and restricted: 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.

In Sec. 12.04.004 Liability: 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 ~~by an authorized driver~~

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Preservation of quality-of-life characteristics through compliance with state law.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

None at this time.

LEGAL ANALYSIS:

Approved to form.

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda - I move to approve the second reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 12 "Traffic & Vehicles" Article 12.04 "Operation of Golf Carts on Public Streets" by establishing regulations for the operation of recreational off-road vehicles and utility vehicles on city-owned streets and providing additional clarification regarding child safety restraints as defined by the Texas Transportation Code.