

ORDINANCE NO. 2022 - \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 206 AND 259 OF CHAPTER 86 "TRAFFIC AND VEHICLES" OF THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Montgomery, Texas (the "City Council") desires to safeguard the health, safety and general welfare of the City of Montgomery, Texas (the "City") and its citizens;

**WHEREAS**, Texas Transportation Code Section 551.405 provides for restrictions relating to the operation of a golf cart and crossing certain intersections;

**WHEREAS**, City Council desires to improve safety for drivers and pedestrians alike during parades through requiring a certified peace officer escort; and

**WHEREAS**, pursuant to the Texas Local Government Code Chapter 51, the City Council may adopt, publish, amend or repeal an ordinance, rule, or police regulation that is for the good government, peace, and order of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, THAT:**

SECTION 1. The City Council adopts the findings and recitals above as true and correct.

SECTION 2. **Section 86-206(2)** is hereby amended and restated in its entirety to read as follows:

*"Notwithstanding subsection (1) of this section, a person is directly crossing an intersection, including a road or street that has a posted speed limit of more than 35 miles per hour, in accordance with applicable state law. Intersection means the common area at the junction of two highways, streets, or roads from curb to curb."*

**Sec. 86-206. Golf carts permitted and restricted.**

A person may operate a golf cart on a public street if:

- (1) The maximum speed limit on the public street is 35 miles per hour or less.
- ~~(2) Notwithstanding subsection (1) of this section, a person is directly crossing an intersection, including a road or street that has a posted speed limit of more than 35 miles per hour, in accordance with applicable state law;~~
- (3) The person has a valid driver's license.

- (4) The person maintains current financial responsibility for the golf cart, as required of other passenger vehicles in the V.T.C.A, Transportation Code § 601.051.
- (5) The person complies with all applicable federal, state, and local laws and ordinances.
- (6) The golf cart has the following equipment:
  - a. Headlamps;
  - b. Tail-lamps
  - c. Reflectors.
  - d. A parking brake.
  - e. Mirrors; and
  - f. A slow-moving vehicle emblem.
- (7) While the golf cart is in motion, the driver and every passenger in a golf cart is seated in a seat designed to hold passengers. No person may stand or ride in the lap of the driver and/or other passengers of a golf cart while it is moving; and
- (8) The person completes and signs a city-supplied registration permit application form, accompanied by a fee as currently established or as hereafter adopted by resolution of the city council from time to time, along with proof of financial responsibility as required herein, which shall contain the following:
  - a. Name, address, email address and telephone number of the owner.
  - b. Location where the golf cart is regularly stored overnight.
  - c. Model, make, name and golf cart identification number.
  - d. Current driver's license number of the owner.
  - e. Statement that the registration permit holder and any user shall indemnify and hold harmless the city for all civil liability associated with said registration and waives any and all rights to sue or allow subrogation by an insurance company.

(Ord. No. 2011-03, § 2, 1-11-2011; Ord. No. 2012-04, § 2, 4-10-2012)

**Section 86-259** is hereby amended and restated in its entirety to read as follows:

*"Sec. 86-259. Escort - Certified Peace Officer.*

*Applicants for a parade permit shall be required to provide an escort for a parade at the expense of the applicant. Any escort must be a certified peace officer designated by the chief of police."*

**Sec. 86-259. Restrictions on route; escort.**

~~(a) Except for necessary crossings along an otherwise permitted route, no parade route shall contain any portion of the following streets, roads or highways that would exceed a period longer than 15 minutes:~~

~~(1) State Highway 105.~~

~~(2) FM 149.~~

~~(3) Lone Star Parkway.~~

~~(4) FM 1097.~~

(b) Applicants for a parade permit shall be required to provide an escort for a parade at the expense of the applicant. Any escort must be a certified peace officer designated by the chief of police.

(Code 2002, § 74-33; Ord. No. 1998-2, § 3, 7-21-1998)

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect any of the remaining provisions of this Ordinance.

SECTION 3. All other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance on all ordinances or sections of the City Code not specifically amended or repealed shall remain in full force and effect.

SECTION 4. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

**PASSED AND APPROVED** by the City Council of the City of Montgomery, Texas on the \_\_\_\_ day of \_\_\_\_\_, 2022.

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Byron Sanford, Mayor

ATTEST:

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Nicola Browe, City Secretary

APPROVED AS TO FORM:

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Alan P. Petrov, City Attorney