

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 44 OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL “TRAFFIC AND VEHICLES”, BY ADDING A NEW ARTICLE IX, “REGULATION OF GOLF CARTS”, THAT PROVIDES REGULATIONS FOR THE OPERATION AND MAINTENANCE OF GOLF CARTS WITHIN THE CITY; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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WHEREAS, in 2019, the Texas Legislature passed HB1548, which authorizes the use of golf carts on certain public roads; and

WHEREAS, the new law also allows for municipalities to regulate use of golf carts in the interest of safety; and

WHEREAS, municipalities around the State have taken the opportunity to craft ordinances that fit their individual communities and balance the convenience of golf cart usage with safety and traffic control priorities; and

WHEREAS, the City Council of the City of Tomball desires that the Code of Ordinance of the City of Tomball should be amended to provide for the regulation of golf carts within the City of Tomball; and **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL:

SECTION 1. THAT, the City Council of the City of Tomball, Texas (the “City Council”) hereby finds and determines that the statements set forth in the preamble of this Ordinance are true and correct and are incorporated herein for all purposes.

SECTION 2. THAT, the Code of Ordinances, City of Tomball, Texas is hereby amended by adding to Chapter 44 an article, to be numbered IX, which article reads as follows:

“ARTICLE IX. – REGULATION OF GOLF CARTS

Sec. 44-288 - 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: *Golf cart* means a motor vehicle that is manufactured primarily for operation on golf courses. *Operator* means the person operating and having physical control over a golf cart. An operator must carry a valid Texas Drivers' License.

Public highway includes a road, street, way, thoroughfare, or bridge: that is in the state; that is for the use of vehicles; that is not privately owned or controlled; and, over which the state has legislative jurisdiction under its police power.

No term in this article shall be in conflict with the meaning assigned to this term by Texas Transportation Code as it exists at the time of its adoption within a relevant article or as it may be amended thereafter.

Sec. 44-289. - Golf carts - Required Equipment.

Every golf cart operated within the city of Tomball shall be equipped with all the following equipment which shall be operational at all times:

- (1) Headlamps;
- (2) Tail lamps;
- (3) Reflectors;
- (4) Parking brake;
- (5) Mirrors;
- (6) Slow-moving vehicle emblem as provided for in Texas Transportation Code §547.703; and,
- (7) Golf cart license plate as provided for in Texas Transportation Code §551.402.

Sec. 44-290. - Operation Regulations.

- (a) Every operator shall be licensed to operate a motor vehicle as provided by the Texas Transportation Code and shall carry a valid Texas drivers' license while operating the golf cart;
- (b) Every operator shall maintain proof of current financial responsibility for the golf cart, as required of other passenger vehicles in the Texas Transportation Code § 601.051;
- (c) Every operator shall abide by all traffic regulations applicable to vehicular traffic when operating a golf cart on any public highway in the city;
- (d) No person shall operate a golf cart on any sidewalk or hike and bike trail within the city;
- (e) A golf cart may only be operated on a public highway with a posted speed limit of not more than thirty-five miles per hour (35 mph);

Exception: the operator may cross a public highway with a posted speed limit of more than thirty-five miles per hour (35 mph) at an intersection to immediately access a private driveway, parking lot, or a public highway with a posted speed limit of thirty-five miles per hour (35 mph) or less.

- (f) At no time shall a person operate a golf cart on the following streets, except to cross at an intersection to immediately access a private driveway, parking lot, or a public highway of a posted speed limit of thirty-five miles per hour (35 mph) or less:
 - (1) Tomball Parkway (Business 249);
 - (2) Tomball Expressway (State Highway 249 and its feeders);
 - (3) Main Street;
 - (4) FM 2978;
 - (5) Hufsmith-Kohrville Rd; and,
 - (6) FM 2920.
- (g) An operator shall not overtake and pass a vehicle in the same lane occupied by the vehicle being overtaken;
- (h) A golf cart shall not be operated between lanes of traffic or on medians;
- (i) When safe to do so, a golf cart shall move to the right and yield the right-of-way to faster moving vehicles;
- (j) The operator and every occupant of a golf cart shall be limited to the seating capacity as designed by the manufacturer and all occupants shall remain seated in a seat designed to hold passengers while the golf cart is in motion. The operator shall not transport a person on a part of the golf cart not designed or intended to transport a passenger;
- (k) No operator shall allow a person to ride in the lap of the operator or any other person being transported; and,
- (l) No operator shall use a wireless communication device in a school zone during restricted school hours.

SECTION 3. THAT, any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two thousand dollars (\$2,000), with each day of violation constituting a separate offense.

SECTION 4. THAT, in the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent or ordinances jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and, the City Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 5. THAT, the City Council hereby directs the City Secretary to publish the caption of the Ordinance as required under and according to State law.

SECTION 6. THAT, this Ordinance shall be in full force and effect upon the date of its passage by the City Council.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 7TH DAY OF FEBRUARY 2022.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>NAY</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21ST DAY OF FEBRUARY 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball