

CITY OF PETERSBURG, TEXAS

ORDINANCE NO. 388DG

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETERSBURG, TEXAS, AMENDING CHAPTER 12, TRAFFIC AND VEHICLES, BY REPEALING AND REPLACING ARTICLE 12.05, GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES; PROVIDING DEFINITIONS; REGULATING THE OPERATION OF GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES ON PUBLIC STREETS; PROVIDING EQUIPMENT AND OPERATIONAL REQUIREMENTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Petersburg is a Type A General Law Municipality operating under the Constitution and laws of the State of Texas; and

WHEREAS, Chapter 551 of the Texas Transportation Code authorizes municipalities to regulate the operation of golf carts and neighborhood electric vehicles on streets under their jurisdiction; and

WHEREAS, The City Council finds that regulating the operation of golf carts and neighborhood electric vehicles promotes the public health, safety, and welfare of the citizens of Petersburg while ensuring compliance with state law; and

WHEREAS, The City Council desires to repeal the existing ordinance adopted June 12, 2012, and replace it with regulations that conform to the current provisions of the Texas Transportation Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PETERSBURG, TEXAS:

1. Article 12.05 (Golf Carts and Motorized Neighborhood Vehicles) of Chapter 12, Traffic and Vehicles of the Code of Ordinances of the City of Petersburg, Texas, is hereby repealed in its entirety and replaced to read as follows:

ARTICLE 12.05 GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES

§12.05.001 Purpose

The purpose of this Article is to regulate the operation of golf carts and neighborhood electric vehicles upon public streets under the jurisdiction of the City of Petersburg in accordance with Chapter 551 of the Texas Transportation Code.

§12.05.002 Definitions

The following words and phrases shall have the meanings assigned below unless the context clearly indicates otherwise.

DRIVER. A person who is in actual physical control of a golf cart or neighborhood electric vehicle.

MOTORIZED CART. A motor vehicle as defined by Section 551.401 of the Texas Transportation Code that is designed by the manufacturer primarily for transporting persons on a golf course. An electric or gasoline powered cars, commonly referred to as golf carts, but which must have a minimum of three or four wheels and which have an attainable top speed not greater than 25 miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for

low-speed vehicles. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATV's, four-wheelers, mules, and gators.

NEIGHBORHOOD ELECTRIC VEHICLE (NEV). A self-propelled vehicle having four wheels that:

1. Attains a speed of more than 20 miles per hour but not more than 25 miles per hour on a paved level surface; and.
2. Complies with Federal Motor Vehicle Safety Standard No. 500 for Low-Speed Vehicles.

OWNER. A person holding title to the motorized cart and the person required to register the motorized cart with the city.

PARKING AREA. Areas that are accessible to the public by motor vehicular traffic and which are designated for temporary parking motor vehicles, usually in places referred to as parking lots.

STREET. Any public roadways under the jurisdiction of the City of Petersburg by whatever means (e.g. road, alley, avenue, highway, route, boulevard, etc.) that:

1. Has a posted speed limit of 35 miles per hour or less;
2. Provides for no more than two lanes of vehicular traffic per direction; or
3. Is not designated as part of either the state or federal highway system.

The following vehicles are specifically excluded from this Article:

1. All-Terrain Vehicles (ATVs);
2. Utility Task Vehicles (UTVs);
3. Recreational Off-Highway Vehicles;
4. Utility vehicles commonly known as "Mules," "Gators," or similar off-road utility vehicles unless specifically authorized by state law.

§12.05.003 Equipment Requirements

When operated on a public street under authority of state law, every golf cart and Neighborhood Electric Vehicle shall be equipped as mandated by the Texas Transportation Code, H.B. NO. 2553, Section 551.404, Subsection (a) and/or required by the city the following:

1. Operational headlamps;
2. Operational tail lamps;
3. Side Reflectors (required by TTC);
4. Rearview mirror(s);
5. Parking brake; and
6. Any additional equipment required by the Texas Transportation Code or federal law.
7. Neighborhood Electric Vehicles shall retain all federally required safety equipment installed by the manufacturer.

§12.05.004 Gasoline Carts

Every motorized cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and in constant operation and meeting the following specifications:

1. The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler and exhaust pipes or including any and all parts specified by the manufacturer.

2. The exhaust system and its elements shall be securely fastened with brackets or hangers, which are designed for the particular purpose of fastening motorized cart exhaust systems.
3. The engine and powered mechanism of every motorized cart shall be so equipped, adjusted and tuned so that the exhaust is the amount of a motorized cart in good working order.
4. It shall be unlawful for the owner of any motorized cart to operate or permit the operation of such cart on which any device controlling or abating atmospheric emissions which is placed on a cart by the manufacturer is rendered unserviceable by removal, alteration or which interferes with its operation.

§12.05.005 Operation Regulations

1. Golf carts and Neighborhood Electric Vehicles may be operated only where permitted by Chapter 551 of the Texas Transportation Code.
2. All drivers shall possess a valid driver's license if required by the Texas Transportation Code.
3. All drivers of motorized carts shall abide by all traffic regulations to vehicular traffic when using the authorized streets and parking areas of the city.
4. Motorized carts shall not be operated on sidewalks at any time.
5. All motorized carts are entitled to a full use of a lane on the authorized streets and parking areas of the city and no motor vehicle shall be driven in such a manner as to deprive any motorized cart of the full use of a lane.
6. The driver of a motorized cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
7. No driver shall operate a motorized cart between lanes of traffic or between adjacent lines of rows of vehicles.
8. No person shall operate a golf cart or Neighborhood Electric Vehicle while intoxicated or under the influence of alcohol or drugs in violation of state law.
9. Occupancy of the vehicle shall not exceed the manufacturer's designed seating capacity.

§12.05.006 Liability

1. Nothing in this article shall be construed as an assumption of liability by the city for any injuries to persons, pets, or property which may result from the operation of a motorized cart by its owner or authorized driver.
2. Nothing in this Article authorizes operation on any roadway where prohibited by state law.
3. The City Council may designate or prohibit specific streets for golf cart or Neighborhood Electric Vehicle operation whenever necessary for public safety.
4. All operators shall obey all traffic-control devices and applicable provisions of the Texas Transportation Code.
5. Owners are fully liable and accountable for the actions of any individual that they provide permission to operate and drive said motorized cart, both on personal and/or city and public properties. This described liability responsibility especially applies to personal injuries and property damage resulting from motorized cart drivers who are minors under the age of 16 with or without a current and valid state driver's license.

§12.05.007 Compliance with State Law

Nothing contained in this Article shall be construed as authorizing any act prohibited by the Texas Transportation Code or any other applicable law.

In the event of a conflict between this Article and state law, the provisions of state law shall govern.

§12.05.008 Enforcement

The Petersburg Police Department is authorized to enforce the provisions of this Article and applicable provisions of the Texas Transportation Code relating to golf carts and Neighborhood Electric Vehicles.

§12.05.009 Penalty

Any person who violates the terms of this article shall be penalized as follows.

1. In addition to traffic violation for which the owner or driver of the golf cart or motor vehicle may be subject to pursuant to state law, violations of this article are unlawful and a misdemeanor offense punishable as follows:
 - A. Violations of breaking the operation regulations shall be punishable by a fine not to exceed two hundred dollars (\$200.00).

§12.05.010 Repealing Clause

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

§12.05.011 Severability Clause

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

§12.05.012 Open Meetings Act

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.

§12.05.013 Effective Date

The Ordinance and each article or section hereof shall take effect immediately upon its passage and approval by the City Council of Petersburg and publication of a summary caption of this Ordinance including the purpose of the Ordinance.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Petersburg, Texas, on the _____ day of _____, 20____.

Darin Greene, Mayor
CITY OF PETERSBURG, TEXAS

ATTEST:

Veronica Griego, City Secretary