

Ordinance No. 222

An ordinance of the City of Bevil Oaks allowing for the operation of golf carts on public streets within the City of Bevil Oaks under the requirements and regulations stated in the State of Texas Transportation Code.

WHEREAS, it is the desire of the City Council of the City of Bevil Oaks to allow for the operation of golf carts on public streets within the City of Bevil Oaks provided they are operated in accordance with the State of Texas Transportation Code.

WHEREAS, operators of golf carts are subject to the same Texas Transportation Code Motor Vehicle Traffic laws as operators of other passenger motor vehicles; golf cart operators, in violation of Texas Transportation Code Motor Vehicle Traffic Law, shall be subject to the same fines and penalties as operators of other motor vehicles in violation of all motor vehicle traffic laws.

WHEREAS, the City Council has determined that in the interest of safety, it is necessary to regulate the operation of golf carts, and all-terrain vehicles on public streets and highways in the corporate limits of Bevil Oaks, Texas

WHEREAS, Texas state law provides that a municipality may regulate the operation of a golf cart on a street or highway if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

NOW THEREFORE BE IT ORDAINED BY the City Council of the City of Bevil Oaks that the above regulations and requirements for the operation of golf carts on the public streets within the city limits of the City of Bevil Oaks be adopted.

Section 1. Definitions and Admonitions

- (a) *All-terrain vehicle* shall have the meaning assigned by the V.T.C.A., Transportation Code § 502.001(1), as it exists or may be amended and includes gasoline powered vehicles with four wheeled drive capabilities.
- (b) *Golf Cart* shall have the meaning assigned by the V.T.C.A., Transportation Code § 502.001(7), as it exists or may be amended, and includes a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.
- (c) *Public Highway* shall have the meaning assigned by the V.T.C.A., Transportation Code § 502.001(18), as it exists or may be amended, and includes a road, street, way, thoroughfare, or bridge:

- i. that is in this state;
- ii. that is for the use of vehicles;
- iii. that is not privately owned or controlled; and
- iv. over which the state has legislative jurisdiction under its police power.

(d) No person shall operate any golf cart on any paved or unpaved public street or highway within the corporate limits of Bevil Oaks, Texas unless such person:

- i. is 16 years of age or older, and;
- ii. is in possession of a valid driver's license as issued by the State of Texas or other valid state driver's license, and,
- iii. complies with all motor vehicle traffic safety laws.

(e) No person shall operate or occupy any all-terrain vehicle on any paved public street or highway within the corporate limits of Bevil Oaks, Texas

The prohibition contained in (d) or (e) above shall not apply to any on-duty public safety personnel or public utility.

Section 2. Penalty:

Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed five hundred dollars (\$500.00).

Section 3. Applicability:

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 4. Severability:

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.


Section 5. Publication:

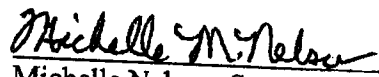
The Caption of this ordinance shall be published one (1) time in a newspaper or newsletter (such as the City's official newsletter) having general circulation in the City of Bevil Oaks, Texas and shall be effective

immediately upon its passage and publication.

APPROVED this 15th day of September, 2009.

ATTEST:


Rebecca M. Ford, Mayor
City of Bevil Oaks


Michelle Nelson, Secretary
City of Bevil Oaks

TEXAS DEPARTMENT OF TRANSPORTATION SAFETY BULLETIN:

Electric Vehicles, Golf Carts, ATVs and Recreational Off-Highway Vehicles Low-Speed Vehicles (LSVs), also known as Neighborhood Electric Vehicles (NEVs), and golf carts are regulated by state and federal laws. Registered, titled and insured NEVs may be legally driven at a maximum speed of 35 mph on public roads with a posted speed limit of 45 mph or less, unless a city or county ordinance prohibits their operation.

Effective September 1, 2009, golf carts can no longer be titled or registered. Registrations issued to golf carts prior to September 1, 2009, will remain valid until expiration but will not be renewed at expiration. Titles issued prior to September 1, 2009, will not be required to be returned to the department. The one exception to this rule is Grayson County where citizens can purchase "golf cart" license plates.

What are the rules regarding Low-Speed and Neighborhood Electric Vehicles?

A vehicle is classified as an LSV or NEV if it has:

- a normal maximum speed of 20-25 mph (LSV) or 20-35 mph (NEV),
 - seat belts,
 - head and tail lights,
 - a windshield,
 - a parking brake,
 - turn signals,
 - rear-view mirrors
 - brake lights,
 - reflectors, and
 - a valid Vehicle Identification Number (VIN)
- To title and register your LSV or NEV, take the following to your county tax office:
- evidence of ownership, such as a Manufacturer Certificate of Origin or title,
 - a completed Form VTR 130-U, and
 - proof of insurance.

A vehicle is classified as a golf cart if it:

- has no less than three wheels,
- has a normal maximum speed of between 15-25 mph, and
- is manufactured primarily for operation on golf courses.

TxDOT does not register or title golf carts.

Registration is not needed to operate your golf cart on a public road. State law allows for use of golf carts with a slow-moving vehicle emblem in the following situations:

- in master planned communities with a uniform set of restrictive covenants in place,
- on public or private beaches,

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- during the daytime and no more than two miles from where the owner usually parks the golf cart and for transportation to or from a golf course, or
- to cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour.

A city can pass a local ordinance allowing for use of golf carts on additional roads. The road must be within the boundaries of the city and with a speed limit of 35 mph or lower.

In these cases, the golf cart must be insured and have the following minimum equipment:

- headlamps,
- tail lamps,
- reflectors,
- parking brake,
- mirrors, and
- a slow-moving vehicle emblem.

The state, a county, or a city may prohibit golf cart operation on all or part of a public road in the interest of safety.

Note: An exception for Grayson County allows for the issuance of Golf Cart License Plates. Grayson County golf cart owners must take the following to their county tax office to purchase golf cart license plates:

- Evidence of ownership, such as a Manufacturer Certificate of Origin (MCO), title, bill of sale or invoice.
- If your golf cart does not have a valid VIN, one may be assigned from the Dallas regional VTR office.
- Completed Form VTR 130-U.

All-Terrain Vehicles (ATVs) are regulated by state and federal laws.

A vehicle is classified as an ATV if it:

- has a saddle seat,
- has three or more wheels,
- is designed for off-highway use, and
- is not designed by the manufacturer for farm or lawn care.

ATVs may not be driven on public roads unless the driver is:

- a farmer or a rancher traveling no more than 25 miles,
- a public utility worker, or
- a law enforcement officer.

ATVs driven on a public road must have a triangular orange flag on top of an eight-foot pole attached to the back of it.

To be operated on public property, ATVs must have:

- a brake system,
- a muffler system,
- a United States Forest Service qualified spark arrester,
- head and tail light, and
- an Off Highway Vehicle decal issued by the Texas Parks and Wildlife Department.

For further details on ATV operation on public land in Texas, visit the Texas Parks and Wildlife Department Off Highway Vehicle Program or call (512) 389-8917.

Effective September 1, 2009, utility-type vehicles (UTVs) are defined as Recreational Off-Highway Vehicles (ROVs), which are generally used for maintenance, hunting or recreation. They are required to be titled but may not be driven on public roads.

A ROV is a motor vehicle that is equipped with:

- a non-straddle seat for the use of the rider (and passenger),
- is designed to propel itself with four or more tires in contact with the ground,
- is designed by the manufacturer for off-highway use and
- is not designed by the manufacturer for farm or lawn care.

ROVs may not be driven on public roads unless the:

- vehicle is owned by a state, county or municipality and operated on a public beach or highway to maintain public safety and welfare,
- driver is a farmer or a rancher traveling no more than 25 miles,
- driver is a public utility worker, or
- driver is a law enforcement officer.

To be operated on public property, ROVs must have:

- a brake system,
- a muffler system,
- a United States Forest Service qualified spark arrester,
- head and tail light, and
- an Off Highway Vehicle decal issued by the Texas Parks and Wildlife Department.

For further details on ATV operation on public land in Texas, visit the Texas Parks and Wildlife Department Off Highway Vehicle Program or call (512) 389-8917.

APPLICABLE STATE CODES:

Tex. Transp. Code § 502.0071 (2009)

§ 502.0071. Golf Carts

An owner of a golf cart is not required to register the golf cart if:

(1) the operation of the golf cart occurs in the daytime, as defined by Section 541.401; and

(2) the operation:

(A) does not exceed a distance of two miles from the point of origin to the destination if driven to and from a golf course;

(B) occurs entirely within a master planned community with a uniform set of restrictive covenants that has had a plat approved by a county or a municipality; or

(C) occurs on a public or private beach.

Tex. Transp. Code § 541.401 (2009)

§ 541.401. Miscellaneous Terms

In this subtitle:

(1) "Daytime" means the period beginning one-half hour before sunrise and ending one-half hour after sunset.

Tex. Transp. Code § 502.001 (2009)

§ 502.001. Definitions

In this chapter:

(1) "All-terrain vehicle" means a motor vehicle that is:

(A) equipped with a saddle, bench, or bucket seats for the use of:

(i) the rider; and

(ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;

(B) designed to propel itself with three or more tires in contact with the ground;

(C) designed by the manufacturer for off-highway use; and

(D) not designed by the manufacturer primarily for farming or lawn care.

(2) "Commercial motor vehicle" means a motor vehicle, other than a motorcycle, designed or used primarily to transport property. The term includes a passenger car reconstructed and used primarily for delivery purposes. The term does not include a passenger car used to deliver the United States mail.

- (3) "Department" means the Texas Department of Transportation.
- (4) "Farm semitrailer" means a semitrailer designed and used primarily as a farm vehicle.
- (5) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry.
- (6) "Farm trailer" means a trailer designed and used primarily as a farm vehicle.
- (7) "Golf cart" means a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.
- (8) "Implements of husbandry" means farm implements, machinery, and tools as used in tilling the soil, including self-propelled machinery specifically designed or adapted for applying plant food materials or agricultural chemicals but not specifically designed or adapted for the sole purpose of transporting the materials or chemicals. The term does not include a passenger car or truck.
- (9) "Light truck" means a commercial motor vehicle that has a manufacturer's rated carrying capacity of one ton or less.
- (10) "Moped" has the meaning assigned by Section 541.201.
- (11) "Motor bus" includes every vehicle used to transport persons on the public highways for compensation, other than:
- (A) a vehicle operated by muscular power; or
 - (B) a municipal bus.
- (12) "Motorcycle" means a motor vehicle designed to propel itself with not more than three wheels in contact with the ground. The term does not include a tractor.
- (13) "Motor vehicle" means a vehicle that is self-propelled.
- (14) "Municipal bus" includes every vehicle, other than a passenger car, used to transport persons for compensation exclusively within the limits of a municipality or a suburban addition to the municipality.
- (15) "Operate temporarily on the highways" means to travel between:
- (A) different farms;
 - (B) a place of supply or storage and a farm; or
 - (C) an owner's farm and the place at which the owner's farm produce is prepared for market or is marketed.
- (16) "Owner" means a person who:

(A) holds the legal title of a vehicle;

(B) has the legal right of possession of a vehicle; or

(C) has the legal right of control of a vehicle.

(17) "Passenger car" means a motor vehicle, other than a motorcycle, golf cart, light truck, or bus, designed or used primarily for the transportation of persons.

(18) "Public highway" includes a road, street, way, thoroughfare, or bridge:

(A) that is in this state;

(B) that is for the use of vehicles;

(C) that is not privately owned or controlled; and

(D) over which the state has legislative jurisdiction under its police power.

(19) "Public property" means property owned or leased by this state or a political subdivision of this state.

(20) "Road tractor" means a vehicle designed for the purpose of mowing the right-of-way of a public highway or a motor vehicle designed or used for drawing another vehicle or a load and not constructed to carry:

(A) an independent load; or

(B) a part of the weight of the vehicle and load to be drawn.

(21) "Semitrailer" means a vehicle designed or used with a motor vehicle so that part of the weight of the vehicle and its load rests on or is carried by another vehicle.

(22) "Trailer" means a vehicle that:

(A) is designed or used to carry a load wholly on its own structure; and

(B) is drawn or designed to be drawn by a motor vehicle.

(23) "Truck-tractor" means a motor vehicle:

(A) designed and used primarily for drawing another vehicle; and

(B) not constructed to carry a load other than a part of the weight of the vehicle and load to be drawn.

(24) "Vehicle" means a device in or by which a person or property is or may be transported or drawn on a public highway, other than a device used exclusively on stationary rails or tracks.