

ORDINANCE NO. O-2025-11-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS ADOPTING REGULATIONS AND RULES REGARDING THE USE AND OPERATION OF ALL-TERRAIN VEHICLES, GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES ON PUBLIC STREETS WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF NIXON, TEXAS; PENALTIES; SEVERABILITY AND ESTABLISHMENT OF EFFECTIVE DATE.

WHEREAS, it is the intent and duty of the City Council to protect the public health, safety and welfare of its Residents pursuant to Chapter 51 of the Local Government Code;

WHEREAS, the City Council finds it prudent, for the purposes of road safety, to adopt regulations and rules regarding the use and operation of all-terrain vehicles, golf carts and neighborhood electric vehicles on public streets; and

WHEREAS, there has been no prior adoption of any Ordinance regulating the use and operation of all-terrain vehicles, golf carts and neighborhood electric vehicles by the City of Nixon, Texas prescribing regulations for said vehicles for the purposes of the health, safety and welfare of its residents;

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

1) DEFINITIONS.

a) *All-terrain vehicle (ATV)* means a motor vehicle that is:

i) Equipped with a seat or seats for the use of:

(1) The rider, and

(2) A passenger, if the manufacturer designs the motor vehicle to transport a passenger.

(3) Designed to propel itself with three or more tires in contact with the ground.

(4) Designed by the manufacturer for off-highway use.

(5) Not designed by the manufacturer primarily for farming or lawn care; and.

- (6) not more than 50 inches wide.
- b) **GOLF CART** has the meaning assigned by Texas Transportation. Code § 551.401, as may be amended, which states a “golf cart means a motor vehicle designed by the manufacturer primarily for use on a golf course”. GOLF CARTS specifically exclude go-karts, neighborhood electric vehicles, off-road vehicles, utility vehicles, and all-terrain vehicles, as defined by the Texas Transportation Code. Code.
- c) **Neighborhood electric vehicle (NEV)** has a meaning assigned by Texas Transportation Code § 551.301, as may be amended, as a “vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 ([49 C.F.R. Section 571.500](#)).”
- d) **CITY STREETS** A road, street, way, thoroughfare, or bridge over which the city has legislative jurisdiction under its police powers.
- e) **DAYTIME**. The period beginning one-half hour before sunrise and ending one-half hour after sunset. The National Weather Service defines sunrise and sunset times.
- f) **LICENSE**. A license or permit to operate a motor vehicle issued by a state.
- g) **OPERATE**. Shall mean driving.
- h) **OPERATOR**. A person who drives or is in control of a vehicle.
- i) **Recreational off-highway vehicle (ROV)** means a motor vehicle that is:
- i) Equipped with a seat or seats for the use of.
 - (1) The rider; and
 - (2) A passenger or passengers, if the manufacturer designs the vehicle to transport a passenger or passengers.
 - (3) Designed to propel itself with four or more tires in contact with the ground.
 - (4) Designed by the manufacturer for off-highway use by the operator only.
 - (5) Not designed by the manufacturer primarily for farming or lawn care.
- j) **Sand rail vehicle** means a motor vehicle, as that term is defined by state law, that is:
- i) Is designed or built primarily for off-highway use in sandy terrains.
 - ii) Has a tubular frame.
 - iii) Has an integrated roll cage.

- iv) Has an engine that is rear-mounted or placed midway between the front and rear axles.
- v) Has a gross vehicle weight between 700 and 2,000 pounds.
- k) ***Slow-moving-vehicle-emblem.*** A triangular emblem that conforms to standards and specifications adopted under Texas Transportation Code § 547.104 and displayed in accordance with Texas Transportation Code § 547.703.
- l) ***Utility vehicle.*** A motor vehicle, as described and defined under Texas Transportation Code section 551A.001(6) as amended, which is a motor vehicle that is not a golf cart or lawn mower, is equipped with side-by-side seating for the use of the operator and a passenger, and is designed by the manufacturer primarily for utility work and not for recreational purposes.
 - i) Equipped with side-by-side seating for the operator and passenger;
 - ii) Designed to propel itself with at least four tires in contact with the ground
 - iii) Designed by the manufacturer for use off a public highway; and
 - iv) Designed by the manufacturer primarily for utility work and not for recreational purposes.
- 2) **APPLICABILITY.** The provisions of this article shall apply to all golf carts, NEV recreational off-highway, sand rail, and utility vehicles operated on a public street within the city EXCEPT under the following circumstances
 - i) The use of golf carts, NEV, ROV, Sand Rail, off-road, and utility vehicles by the City on official business
- 3) **OPERATION WITHIN THE CORPORATE BOUNDARIES OF THE CITY.**
 - a) Golf carts, utility vehicles, and NEVs shall only be operated during daylight hours within the corporate city limits on streets with a posted speed limit of not more than 35 miles per hour.
 - b) Recreational off-highway, sand rail, and off-road vehicles are prohibited from operating within the City of Nixon municipality
 - c) *Operation of Golf Carts, Neighborhood Electric Vehicle (NEV), and Utility Vehicles*
 - i) Shall only be operated by persons with a valid driver's license.
 - ii) Shall only be operated upon a public street or highway with a speed limit of not more than 35 mph unless otherwise restricted.
 - iii) Shall have a license plate as required by state law.
 - iv) Shall only cross a street or highway with a speed limit of more than 35 mph if said crossing occurs at an intersection with a traffic light.

- v) Shall move to the right and yield the right-of-way to faster-moving vehicles.
- vi) The driver and every occupant shall remain seated in a seat designed to hold passengers while the vehicle is in motion.
- vii) No person may ride in the lap of the driver or any other occupant.
- d) Shall comply with applicable State and City traffic laws.
- e) Shall not operate in such a manner as to endanger any person or property; or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use of any pedestrian or public streets, sidewalks, paths, trails, walkways, or parks.
- f) Shall not use the vehicle to pull any object or person at any time.
- g) Shall not exceed the seating capacity of the vehicle as designed by the manufacturer.
- h) Shall not have or permit a passenger younger than four years of age.
- i) All occupants shall be adequately secured with seat belts while the vehicle is in motion.

4) REGISTRATION PERMIT.

- a) Before any golf cart, NEV, or utility vehicle may be operated over the authorized streets and parking areas of the city, it must be registered, and a permit must be obtained from the Nixon Police Department. Registration for a registration permit incurs an annual fee of \$50, which covers the administrative costs associated with the registration. The registration permit process includes the following specifics.
- b) Applicant shall complete the City-supplied registration permit application form, which shall contain and provide proof of the following:
 - i) Name and address of the applicant owner.
 - ii) Location where the vehicle is regularly stored overnight.
 - iii) Model, make, name, current color photo, and identification number of each golf cart or NEV.
 - iv) Current driver's license number of the owner.
 - v) License plate number of the vehicle on the plate obtained from the Texas Department of Motor Vehicles.
 - (1) Proof of financial responsibility consistent with the minimum requirements of the Texas Trans. Code, as amended, for the operation of motor vehicles.
 - vi) Valid driver's license number of the owner.
 - vii) Other information which the city may require.

- (1) Statement that all operators are required to be licensed pursuant to Texas Trans. Code 521.001(3) and 521.021, as amended, and that all equipment required herein is installed and will be kept current during the registration period.
 - (2) Statement that the registration permit holder and any user shall indemnify and hold harmless the City for any and all civil liability associated with said registration, waives any and all rights to sue or allow subrogation by an insurance company.
- c) The permit applicant shall:
 - i) Pay an annual fee of \$50.
 - ii) Ensure all operators will be licensed pursuant to the Texas Trans. Code.
 - iii) Ensure all equipment required herein is installed and will be kept current and maintained.
 - iv) Consent that the permit holder and any user shall indemnify and hold harmless the city for any and all civil liability associated with said permit, waives any and all rights to sue, or allow subrogation by an insurance company.
- d) Upon issuance, the registration permit shall be kept on the vehicle at all times
- e) The registration permit shall be effective for one year from the date of registration, permit, or such time as revoked or the golf cart and/or NEV is transferred to a new owner.

5) REVOCATION OF PERMIT.

- i) The permit may be revoked by the Nixon Police Department if:
 - (1) The owner or driver of a golf cart or NEV fails to abide by the rules and regulations of this Ordinance.
 - (2) The owner or driver of a golf cart, utility vehicles, or NEVs fails to abide by the traffic laws or the use of a golf cart or NEVs on any unauthorized street or parking area or for any unlawful purpose.
 - (3) The owner fails to maintain proof of financial responsibility during the entire permit period.

6) TRANSFER.

- a) The permit is not transferable. Upon the transfer of ownership of a golf cart, utility vehicle, or NEV to a person who intends to operate it on authorized streets and

parking areas, the new owner must obtain a permit for the golf cart, utility vehicle, or NEV and pay the permit fee as required by this Ordinance.

7) INSURANCE.

- a) An owner must have liability insurance, the same as for a motor vehicle, if his or her motor vehicle is driven on a city street pursuant to a city ordinance. Insurance is not required if the cart is driven pursuant to the state law exceptions allowing its use:
 - i) In a master planned community that meets certain conditions;
 - (1) On a golf course;
 - (2) On a public or private beach; or
 - (3) On a city street that has a posted speed limit of 35 miles per hour or less if the golf cart is operated to and from a golf course during the daytime and no more than two miles from the place where the golf cart is usually parked.

8) USE IS PROHIBITED ON ANY STATE HIGHWAY WITHIN CORPORATE BOUNDARIES OF THE CITY.

- a) Golf carts, utility vehicles, and NEVs are prohibited on any state highway located within the corporate boundaries of the city, with the exception of crossing at traffic light-controlled intersections.

9) EQUIPMENT REQUIRED.

- a) In order to operate on permitted locations, a vehicle operated under this Ordinance must be equipped with the following equipment, at a minimum, in addition to any other equipment required by the Texas Transportation Code, as amended.
 - i) Operational headlamps.
 - ii) Operational tail lamps.
 - iii) Side reflectors.
 - iv) Type 1 Seat belts
 - v) Operational parking brake.
 - vi) Rearview mirror(s).
 - vii) Operational horn.
 - viii) Windshield
 - ix) Slow-moving-vehicle emblem affixed to the rear
- b) A neighborhood electric vehicle (NEV) must be equipped with the following equipment as mandated by V.T.C.A., Transportation Code § 551.301, as amended, and/or required by the city, to operate on permitted locations.

- i) Operational headlamps.
 - ii) Operational tail lamps.
 - iii) Side reflectors.
 - iv) Operational parking brake.
 - v) Rearview mirror(s).
 - vi) Turn signals.
 - vii)Horn.
 - viii) Brake lights.
 - ix) Type 1 Seat belts.
 - x) Windshield.
 - xi) Vehicle identification number.
- c) Utility vehicles
- i) Operational headlamps.
 - ii) Operational tail lamps.
 - iii) Side reflectors.
 - iv) Operational parking brake.
 - v) Rearview mirror(s).
 - vi) Turn signals.
 - vii)Horn.
 - viii) Brake lights.
 - ix) Type 1 Seat belts.
 - x) Windshield.
 - xi) Vehicle identification number.

10) PENALTIES.

- a) The city shall have the power to administer and enforce the provisions of this subchapter as may be required by governing law.
- b) The owner or driver of a vehicle regulated by this article who violates this article shall be guilty of a misdemeanor punishable by a fine as follows:
 - i) First offense shall have a minimum fine of \$250.00 and a maximum fine of \$500.00; however, an offense under subsection for having or permitting a passenger in the vehicle under four years of age shall be punishable by a minimum fine of \$500.00 for the first offense.
 - ii) Second and subsequent offenses shall have a minimum fine of \$500.00 and a maximum fine of \$1000.00; however, an offense under subsection for having

or permitting a passenger in the vehicle under four years of age shall be punishable by a minimum fine of \$1000.00.

11) Each day any violations continue shall constitute a separate and distinct offense.

12) REPEAL OF ANY ORDINANCE IN CONFLICT.

Currently, the City of Nixon, Texas has existing ordinances which date back decades that may relate to regulations referenced in this Ordinance. It is the opinion of the Nixon City Council that these existing ordinances are grossly out of date and should therefore be, for all purposes, repealed and replaced with this ordinance.

13) SEVERABILITY.

If any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

14) EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Nixon, Texas, on this 17th day of November, 2025.

CITY OF NIXON, TEXAS

By: _____

Ellie Dominguez, Mayor
City of Nixon, Texas

ATTEST:

APPROVED AS TO FORM:

Tanya Torres, City Secretary
City of Nixon, Texas

Eduardo "Eddie" X. Escobar
Gonzales County Attorney