

**CITY OF SEADRIFT
TRAFFIC & VEHICLE ORDINANCE**

TV- 01

**GOLF CARTS, ALL TERRAIN VEHICLES,
RECREATIONAL OFF-ROAD VEHICLES AND
UTILITY TYPE VEHICLES**

(Amended September 9, 2014)

AN AMENDED ORDINANCE OF THE CITY OF SEADRIFT, TEXAS, REGULATING GOLF CARTS, ALL TERRAIN VEHICLES, RECREATIONAL OFF-ROAD VEHICLES AND UTILITY TYPE VEHICLES; PERMITTING GOLF CARTS, RECREATIONAL OFF-ROAD VEHICLES AND UTILITY TYPE VEHICLES WITHIN THE CORPORATE LIMITS; PROVIDING APPLICABILITY, DEFINITIONS, RULES, AND REGULATIONS; REQUIRING A PERMIT AND FEE; PROVIDING FOR EXCLUSIONS; REPEALING ANY PART OF ANY ORDINANCE IN CONFLICT WITH THIS ORDINANCE; PROVIDING SEVERABILITY; PROVIDING FOR VARIANCE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND ESTABLISHING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED THAT THE CITY COUNCIL OF THE CITY OF SEADRIFT, TEXAS:

SECTION 1: APPLICABILITY

Whereas the 81st Texas Legislature passed House Bill HB2553 containing provisions changing certain sections of the Texas Parks and Wildlife Code and certain sections of the Texas Department of Transportation Code relating to regulation, registration, non-registration and operation of certain vehicles such as: golf carts, all terrain vehicles, recreational off-highway vehicles and utility type vehicles, and

Whereas the 81st Legislature has allowed municipalities to regulate and license certain vehicles of this type in Transportation Code Section 502.006 and Section 551.404 and

Whereas it is not intended that a municipality regulate or register vehicles requiring state regulation for registration,

Therefore this ordinance shall apply to golf carts, all terrain vehicles, recreational off-highway vehicles and utility type vehicles operated within the City's corporate limits.

SECTION 2: DEFINITIONS

For the purposes of this ordinance the following definitions apply:

All Terrain Vehicle (ATV) shall mean a vehicle designed by the manufacturer for off-road use, equipped with a saddle or straddle seat for the use of a rider and passenger (if so equipped for passengers), has three or more tires in contact with the ground, and is not designed for farming or lawn care.

Application For Vehicle Permit shall mean the form that is attached to this ordinance and is to be completed by vehicle owner when applying for a permit.

City shall mean the City of Seadrift, Texas.

City Council shall mean the Seadrift City Council.

City Police shall mean the Seadrift City Police.

City Limits shall mean the established corporate limits or boundaries and all areas contained within those boundaries.

Driver's License shall mean a license to operate a vehicle issued by the State of Texas or any other state.

Golf Cart shall mean any vehicle manufactured primarily for operation on golf courses, has no less than three (3) wheels, has a normal maximum speed of between 15 – 25 miles per hour without regard to mode of propulsion or any modifications made to the body, chassis, or any portion by any person. Golf carts specifically exclude go-carts, neighborhood electric vehicles, off road vehicles, utility vehicles and all terrain vehicles as defined by the Texas Transportation Code.

Handicap Permit Tag shall mean a tag attached to a Golf Cart, ROV and UTV displaying a valid City Vehicle Permit Tag identifying the vehicle as one operated by a handicapped individual.

Motor Vehicle shall mean any motor driven or a propelled vehicle required to be registered and licensed by the State of Texas.

Municipal Court shall mean the Municipal Court of the City of Seadrift.

Planned Community shall mean a planned community or sub-division having restrictive covenants and/or having been platted and approved by the City of Seadrift or Calhoun County.

Recreational Off-road Vehicle (ROV) shall mean a vehicle designed by the manufacturer for off-road use, has non-straddle seats for the driver and passenger (if so equipped for passengers), has four or more tires in contact with the ground and not designed for farming or lawn care.

Utility Type Vehicle (UTV) shall mean a vehicle designed by the manufacturer for off-road, utility, industrial and agricultural use, has non-straddle seats for the driver and passenger (if so equipped for passengers), has four or more tires in contact with the ground and fall in the same class as ROV's – as defined by TxDOT. As examples these may be Kawasaki Mules, John Deere Gators and etc.

Vehicle, for purposes of this ordinance only, shall refer to a Golf Cart, All Terrain Vehicle (ATV), Recreational Off-road Vehicle (ROV) and Utility Type Vehicle (UTV).

Vehicle Permit shall mean a privilege granted upon compliance with the terms of this ordinance to legally operate a Golf Cart, Recreational Off-road Vehicle (ROV) and Utility Type Vehicle (UTV) on a public street or highway within the corporate boundaries of the City of Seadrift.

Vehicle Permit Tag shall mean a tag attached to a Golf Cart, ROV and UTV carrying an identification number and an expiration year.

Vehicle Permit Fee shall mean a charge imposed as specified in this ordinance for the granting of a vehicle permit.

SECTION 3: CERTAIN OPERATIONS PROHIBITED

The City has determined that the unregulated operation of Golf Carts, ROV's or UTV's (*hereinafter referred to as "vehicle" in this ordinance*) on public streets of the city and highways passing through the city is not safe, and, pursuant to Texas Transportation Code Sections 502.006, 551.403 and 551.404, prohibits operation of a Golf Cart, ROV's or UTV's on any public street or highway, except by this ordinance.

SECTION 4: PERMITS

1. No person may operate a vehicle on any public street or highway within the city limits of the city unless said vehicle is permitted by the city and a tag permanently affixed to the vehicle as prescribed by this ordinance.
2. Such permit/tag shall be purchased annually for sums to be set by City Council as shown in attached Application For Vehicle Permit. The permit, regardless of when purchased, shall be valid until July 31st of each year.
3. A separate permit is required for each vehicle, as described above, and is not transferable from one vehicle to the other.
4. Permit Tags shall be issued only after payment of the proper fee.
5. The city shall issue to each owner/vehicle that purchases a permit tag to be attached to the left driver front area or windshield and displayed so that it is readily visible and identifiable.
6. Should a permit tag be lost, stolen or damaged beyond recognition, a replacement permit tag shall be issued on payment of one-half the annual permit fee.
7. Permits shall be transferable to new owners when vehicles are sold and will be valid for the amount of time remaining until expiration.
8. Handicap Permits are not transferable to new owners and Handicap Permits cannot be transferred from vehicle to vehicle and the Handicap Permits shall be removed by the current owner and/or on sale or transfer of ownership of vehicle.

SECTION 5: RECORDS

1. The city shall maintain a record describing each vehicle permitted within the preceding two years.
2. This record shall be the application form submitted by the owner to the city when requesting a permit for the vehicle. Reference Attachment B.
3. The city shall provide an updated copy at least monthly to the city police.

SECTION 6: TRAFFIC LAWS AND RULES OF THE ROAD

A vehicle regulated by this ordinance shall be operated in accordance with all laws and rules of the road enumerated in the Texas Transportation Code and by this ordinance for the operation of a vehicle, except those rules and laws specifically excluded or limited by this ordinance.

SECTION 7: EXCLUSIONS AND LIMITATIONS

The following exclusions and limitations apply to the permitting and operation of any vehicle regulated by this ordinance and permitted by the city:

1. All Terrain Vehicles (ATV's) are prohibited from operating with the city limits.
2. A vehicle used while evacuating persons during a declared emergency are exempt from permitting during a declared emergency and for seventy-two hours after the emergency expires.
3. Permits and Permit Tags may only be sold by the city.
4. Handicap Permit Tags may be issued for no additional fee when registering a vehicle or renewing a vehicle registration and are good for the life of the owner for which the Handicap Sticker is issued. Replacement Handicap Permit Tags may be replaced free of charge when the current permit tag becomes unreadable due to wear, damage or weather.

5. No person may display a false, fictitious, or copy of any Permit Tag.
6. No person may alter or display an altered vehicle Permit Tag.
7. A vehicle may only be operated by persons with a valid driver's license issued by the State of Texas or any other state.
8. A vehicle may only be operated on (parallel to) a public street or highway with a posted speed limit of 35MPH or less, unless otherwise specified.
9. A vehicle may cross a public street or highway with a posted speed limit of more than 35MPH IF said crossing occurs at an intersection and said crossing is perpendicular to the street or highway having a posted speed limit of more than 35MPH, but may not travel on or parallel on to the street or highway in that area.
10. A vehicle must move to the right and yield the right of way to faster moving vehicles.
11. A vehicle may not be operated on any public sidewalk, pedestrian walkway, playground, school ground, or other public recreational areas not designated for vehicle traffic.
 - However the only vehicle (as defined herein and restricted herein) that may operate legally in A.D. Powers Bay Front Park is a City registered vehicle displaying a Handicap sticker near the City registration sticker and such Handicap Sticker is obtained only from the City. A vehicle displaying a handicap sticker may only be in the above park when accompanied by the handicap owner, otherwise it will be in violation of this ordinance.
12. A vehicle is not required to have a state motor vehicle inspection sticker, state license plate or other state registration from the State of Texas, unless a vehicle falls under the rules and regulations of the State of Texas requiring that vehicle to be inspected, licensed or registered by the state.
13. Every occupant of a vehicle must remain seated in a seat designed to hold passengers, while the vehicle is in motion.
14. No person may ride in the lap of the driver of a vehicle or any other occupant of the vehicle.
15. Operating a vehicle with open containers of alcohol beverages or while under the influence (DUI) of drugs or alcohol is prohibited.
16. When a vehicle is operated within the corporate boundaries they are required to have a permit, headlamps, tail lamps, reflectors, parking brake, rear view mirror, seat belts (when so equipped by the original equipment manufacturer), a slow-moving vehicle emblem and a triangular orange flag on top of an eight (8) foot pole.
17. A vehicle equipped with seat belts by an original equipment manufacturer shall not have them removed, and if removed the seat belts shall be re-installed be operation within the city.
18. A vehicle operated within the boundaries of a Planned Community does not need to be permitted provided it is not driven outside the boundaries of that Planned Community.
19. Prior to permitting the vehicle with the city, the vehicle shall be inspected for proper equipment as listed in 15 & 16 above and documented on the application form.
20. By permitting a vehicle with the city, the owner accepts responsibility for safe operation of the vehicle within the city limits.

SECTION 8: PENALTIES, SUSPENSION, REVOCATION OF "VEHICLE" PERMIT:

1. Any violation of this ordinance is subject to penalties and/or fines as enumerated in this ordinance and or any other traffic codes.
2. In addition to assessment of penalties and/or fines, the Chief or Assistant Chief of Police may suspend or revoke a vehicle permit if the Chief or Assistant Chief of Police or other designee determines that:
 - There is a false statement of a material matter on the application for a vehicle permit;
 - The vehicle holder has in excess of three moving violations of this ordinance during a permit year; or
 - The vehicle permit holder has failed to make timely payment of a fee or penalty for violation of this ordinance.
3. Any permit holder aggrieved by a decision to suspend or revoke a vehicle permit may appeal the decision to the City Council by filing with the City Secretary a written request setting forth the reasons for the appeal within ten days after the Chief or Assistant Chief of Police or other designee notifies the permit holder of the decision to suspend or revoke the vehicle permit.
 - The filing of a request to appeal to the City Council stays any action of the Chief or Assistant Chief of Police or other designee in suspending or revoking the vehicle permit until the Seadrift City Council makes a final decision.
 - The City Council shall serve as the hearing body at an appeal and consider evidence by any interested person.
 - The formal rules of evidence do not apply to an appeal before City Council.
 - The City Council shall make a decision on the basis of a preponderance of the evidence presented at the appeal.
 - The City Council shall affirm, reverse or modify the action of the Chief or Assistant Chief of Police or other designee.
 - The decision of City Council is final as to administrative remedies with the City.

SECTION 9: ADMINISTRATION

Violators of this ordinance may be cited by law enforcement of the city, county or state, with all tickets and citations issued to owners/operators of vehicles regulated by this ordinance shall be under the jurisdiction of the Municipal Court of Seadrift and filed in said court.

SECTION 10: VARIANCE AND APPEAL

When the owner of a vehicle can show that a provision of this ordinance would cause an unnecessary and extraordinary hardship a variance may be requested from City Council:

1. Any variance authorized by City Council is required to be entered in writing in the minutes of the Council Meeting and the reason which justifies authorizing the variance.
2. Any variance must be authorized by affirmative vote of not less than three (3) members of the City Council.

SECTION 11: PENALTY CLAUSE

It shall be a misdemeanor for any person to perform any act prohibited by the terms of this ordinance or fail to do any act, which is required. Any such violation may be punishable by a fine not to exceed Five Hundred Dollars (\$500.00). Each day or portion thereof that a violation exists shall constitute a separate offense.

SECTION 12: SEVERABILITY

It is specifically declared to be the intention of the City Council of Seadrift, Texas that sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if a phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any unconstitutional or invalid phrase, clause, sentence, paragraph or sections.

SECTION 13: ORDINANCES IN CONFLICT

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 14: EFFECTIVE DATE

(Original) Effective date of this ordinance shall be July 27, 2010

PASSED AND APPROVED this 20th day of July, 2010



MAYOR

ATTEST:



CITY SECRETARY

SECTION 15: AMENDED

(First Amended) Effective date of this amended ordinance shall be June 11, 2014

PASSED AND APPROVED this 3rd day of July, 2014



MAYOR

ATTEST:



CITY SECRETARY

SECTION 16: AMENDED

(Second Amended) Effective date of this amended ordinance shall be September 17, 2014

PASSED AND APPROVED this 9th day of September, 2014

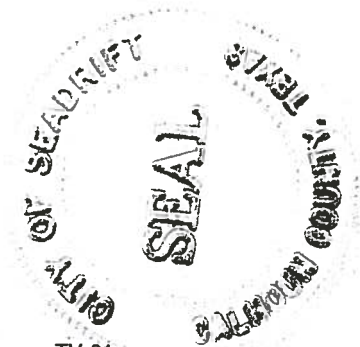


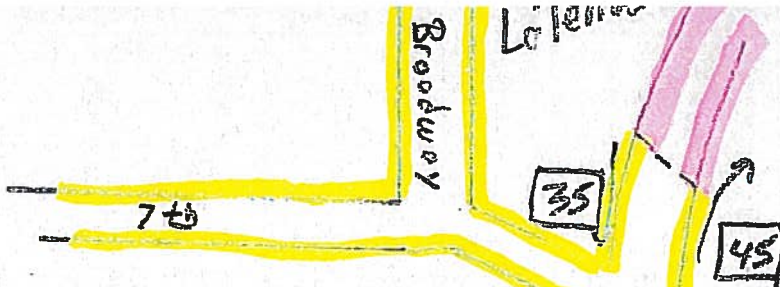
MAYOR

ATTEST:



CITY SECRETARY





"GOLF CARTS" & HWY 185

GREEN Indicates where "Golf Carts" as defined in the ordinance may be legally driven. This is on the shoulder of the highway BETWEEN the 35MPH signs ONLY!

PINK/RED indicates where "Golf Carts" CAN NOT be driven on the highway. HOWEVER, "Golf Carts" may ONLY CROSS Hwy 185 not in the 35MPH Zones. THIS IS NOT SOMETHING THE CITY DREAMED UP!

The ordinance is based on several Transportation Codes of TxDot. There are no exceptions and is based on State Regulations as adopted by the Texas Legislature.

Example 1: Cemetery Road Drivers MUST go to Armstrong and then to Elm to drive on shoulder Legally. Vice-versa if going the other way.

EXAMPLE 2: If on Hwy 185 going west, "golf cart" must turn onto 7th at La Terrazza if they wish to continue west. Vice-versa if going other direction.

EXAMPLE 3: Family Dollar: a) Cross 185 at West Oakland. b) Go down Broadway to 11th then north to West Oakland and come in from West.

DO NOT DRIVE ON SHOULDER OF 185 BEYOND THE 35MPH SIGNS!

"GOLF CARTS" as defined in the ordinance MUST BE REGISTERED with the City to legally drive within the City Limits. Those living outside the City Limits wishing to drive their "Golf Carts" within the City MUST REGISTER their "Golf Carts" with the City.

"Golf Carts" operated only within gated communities do not need to be registered, even if the gated community is within the City Limits.

"Golf Carts" operated only within Calhoun County and not in the City only need to meet the existing requirements of Calhoun County and TxDot as amended by the Texas Legislature.

