

**CITY OF TIOGA, TEXAS**

**ORDINANCE NO. 317**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TIOGA, TEXAS, ADOPTING RULES AND REGULATIONS GOVERNING THE USE AND OPERATION OF GOLF CARTS AND ALL-TERRAIN VEHICLES ON PUBLIC STREETS, PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; PROVIDING FOR A PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Tioga is a General-Law municipality located in Grayson County, Texas created in accordance with the provisions of the Texas Local Government Code, the Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

**WHEREAS**, Chapter 551, Subchapter F, the Texas Transportation Code provides for the legal use of golf carts on public roadways under certain conditions; and

**WHEREAS**, the Texas Transportation Code also permits municipalities the authority to control the operations of motor vehicles using its streets and to prescribe reasonable and safe restrictions related to the stopping, standing and parking of vehicles;

**WHEREAS**, the City has determined that it is in the public interest to permit the use of golf carts on public roadways with certain restrictions to enforce restrictions applicable to golf carts as set forth in the Texas Transportation Code.

**WHEREAS**, the City Council finds that the adoption of this ordinance is necessary in the interest of public health, safety, and welfare of the citizens.

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

**SECTION 1**  
**INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2**  
**FINDINGS**

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Tioga, Texas and of the public health, safety and welfare.

**SECTION 3**  
**DEFINITIONS**

The following words, terms, and phrases, when used in this Ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“*Operator*” shall mean the person operating and having physical control over the golf cart. An Operator must carry a valid Texas Drivers’ License.

“*Driver’s License*” shall mean an authorization issued by a State for the operation of a motor vehicle. The term includes (1) a temporary license or instruction permit; and (2) an occupational license.

“*Golf Cart*” as referenced hereafter, shall having the meaning assigned by the Texas, 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.

“*Golf Cart Registration Permit*” shall mean a privilege granted upon by the City’s Police Department authorizing the operation of a golf cart upon a public highway, or parking area within the corporate boundaries of the City of Tioga for the term that the permit was issued.

“*Golf Cart Registration Permit Decal*” shall mean a certificate for attachment to a golf cart identifying the golf cart as permitted by the City and giving an expiration date.

“*Owner*” shall have the meaning assigned by the Texas Transportation Code, § 502.01, and shall mean the person who has legal title to the golf cart, has the legal right of possession of the golf cart, or has the legal right of control of it.

“*Parking Area*” shall mean those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

“*Permit Holder*” shall mean the person to whom a golf cart registration permit has been issued.

“*Public Highway*” shall have the meaning assigned by the Transportation Code § 502.001(18), as it exists or may be amended, and includes a road, street, way, thoroughfare, or bridge:

- a. that is in the 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.

“*Public Safety Personnel*” shall mean any employee or officer of a governmental law enforcement agency of the City of Tioga.

“*Sidewalk*” shall mean the portion of a street that is between a curb or lateral line of a roadway and the adjacent property line and intended for pedestrian use.

“*Slow-moving-vehicle-emblem*” shall mean a triangular emblem that conforms to standards and specifications adopted by the Director of the Texas Department of Transportation under Section 547.104 of the Transportation Code and is displayed in accordance with § 547.703 of the Texas Transportation Code

“*Texas Transportation Code*” shall mean the Code as it is currently written and/or as may be amended.

“*Traffic way*” is any land way open to the public as a matter of right or custom for moving persons or property from one place to another. The traffic way includes all property, both improved and unimproved, between the property lines of a roadway system.

“*Working days*” shall mean Monday through Friday, excluding City holidays.

#### **SECTION 4** **GOLF CARTS PERMITTED AND RESTRICTED**

A person, other than Public Safety Personnel, may operate a golf cart on a public street, parking area and/or traffic way if the person obtains a golf cart registration permit and meets the following requirements:

- (a) The maximum speed limit on the public street is thirty-five (35) miles per hour or less;
- (b) The person has a valid driver’s license;
- (c) The person maintains current financial responsibility for the golf cart, as required of other passenger vehicles in Section 6.01.051 of the Texas Transportation Code;
- (d) The person complies with all applicable federal, state and local laws and ordinances;
- (e) The golf cart has the following equipment, which must continuously remain in good working and operational order:
  - (1) Two (2) headlights;
  - (2) Two (2) tail lamps;
  - (3) Side reflectors (two (2) front, amber in color, and two (2) rear, red in color);
  - (4) Parking brakes;

- (5) Rearview mirror(s) as provided for in § 551.404 of the Texas Transportation Code;
  - (6) Slow-moving vehicle emblem
- (f) The equipment described herein meets the Texas and Federal Motor Vehicle Safety Standards, as they exist or may be amended; and
  - (g) While the golf cart is in motion, the driver and every passenger in a golf cart is seated in seat designed to hold passengers. No person may stand or ride in the lap of the driver and/or other passenger(s) of a golf cart while it is in motion.
  - (h) Nothing in this Ordinance permits the operation of those motorized conveyances commonly referred to as ATVs, four-wheelers, mules, gators, go carts, and any similar conveyance on a public roadway within the City limits, except when strictly allowed under State law.

### SECTION 5

#### **ADDITIONAL REQUIREMENTS FOR GOLF CARTS POWERED BY GASOLINE**

In addition to the requirements set forth in § 10.1102 above, every golf cart powered by gasoline shall at all times be equipped with an exhaust system in working order and in constant operation and meet the following specifications:

- (a) The exhaust system shall include the piping leading from the flange of the exhaust manifold to an including the muffler and exhaust pipes or including any and all parts specified by the manufacturer;
- (b) The exhaust system and its elements shall be securely fastened with brackets or hangers, which are designed for the particular purpose of fastening golf cart exhaust systems;
- (c) The engine and powered mechanism of every golf cart shall be so equipped, adjusted and tuned so that the exhaust is in good working order; and
- (d) It shall be unlawful for the Owner of any golf cart to operate or permit the operation of such golf cart on which any device controlling or abating atmospheric emissions which is placed on a golf cart by the manufacturer is rendered unserviceable by removal, alteration, or which interferes with its operation.

### SECTION 6

#### **ADDITIONAL OPERATIONAL REGULATIONS FOR ALL GOLF CARTS**

- (a) Except for Public Safety Personnel, golf carts shall not be operated on any sidewalk, pedestrian walkway, jogging path, part trail, or any other location normally used for pedestrian traffic;
- (b) All golf carts are entitled to a full use of a lane on the authorized public streets, parking areas, and traffic ways of the City of Tioga, and no motor vehicle shall be driving in such a manner as to deprive any golf cart of the full use of a lane;
- (c) The driver of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken;

- (d) No driver shall operate a golf cart between lanes of traffic or between adjacent lines or rows of vehicles;
- (e) The driver of a golf cart operating the golf cart on a public street may only cross a multi-lane federal, county or state route at an intersection controlled by an official traffic control device which stops traffic from all directions. The driver of a golf cart may cross a multi-lane road, other than a federal, state or county route, if it is required to cross from one portion of a golf course to another portion of the same golf course. If a golf cart crossing path is provided for transition between one section of a golf to another section of the same golf course across a multi-lane road, the operator shall cross and within the golf cart crossing path;
- (f) The number of occupants in a golf cart shall be limited to the number of persons for whom factor seating is installed and provided on the golf cart;
- (g) Children must be properly seated while a golf cart is in motion and may not be transported in a reckless or negligent manner. No person younger than six (6) years of age may be transported in a golf cart unless restrained by a safety belt restraint;
- (h) Golf carts may not be used for the purpose of towing another golf cart, trailer or vehicle of any kind including, without limitation, a person on roller skates, skateboard or bicycle. A person employed by a golf course may tow a golf cart(s) for the purpose of relocating the cart(s) from one portion of a golf course to another portion of the same golf course; and
- (i) Golf carts shall not be operated during inclement weather or when visibility is impaired by weather, smoke, fog, or other condition, or any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of five hundred feet.

**SECTION 7**  
**LIABILITY**

- (a) Nothing in this Ordinance shall be construed as an assumption of liability by the City of Tioga for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart by an authorized driver; and
- (b) Owners are fully liable and accountable for the action of any individual that they provide permission to operate and drive said golf cart, both on personal and/or authorized public streets, parking areas and traffic ways. This described liability responsibility especially applies to personal injuries (including death) or property damage resulting from golf cart drivers who are minors under the age of twenty-one (21) with or without a current and valid driver's license.

**SECTION 8**  
**EXCEPTIONS**

Golf carts owned and/or operated for or by Public Safety Personnel for official government purposes by the City of Tioga or any other governmental entity are exempt from regulation.

**SECTION 9**  
**REGISTRATION PERMIT**

Before any golf cart may be operated on the streets and highways of the City, it must be registered with and provided a permit by the City of Tioga Police Department. The registration fee is \$20.00 which covers administrative and inspection costs. The city registration permit process includes the following:

(a) The applicant complete the city-supplied golf cart registration permit application which shall contain the:

- (1) Name and physical mailing address of the applicant owner.
- (2) Location where the vehicle is regularly stored overnight.
- (3) Model, make and golf cart ID number.
- (4) Current Drivers' License information of owner.
- (5) A Statement that the applicant has been furnished a copy of this ordinance and that he/she agrees to comply with all conditions contained in this ordinance and to any local, state or federal laws governing the use of golf carts.
- (6) A statement that the registration permit holder and any user shall indemnify and hold harmless the City of Tioga, Texas for any and all civil liability associated with said registration and that the permit holder and user waive any and all rights to sue or allow subrogation by any insurance company.
- (7) Any other information that City may reasonably require.

(b) The registration permit application shall be:

- (1) Accompanied by the permit fee of \$20.00.
- (2) Accompanied by proof of financial responsibility consistent with the minimum requires of the Texas Transportation ode for the operation of motor vehicles. A copy of the certificate of insurance shall be attached to the application.
- (3) Accompanied by a copy of the applicant's Texas Driver's License.
- (4) Signed by the applicant/owner.

(c) Upon receipt of the completed application and permit fee, a member of the police department shall make arrangements to inspect the golf cart for adherence to this ordinance.

(d) When the inspector has approved the vehicle, the placard shall be issued to the owner. The placard shall be immediately affixed to the rear of the golf cart so as to be clearly visible from fifty (50) feet. The placard must not be damaged, altered, obstructed or otherwise made illegible.

(e) The Golf Cart Registration Permit shall be effective from the date of issuance or until such time as revoked for non-compliance or when the golf cart is transferred to a new owner.

#### **SECTION 10** **REVOCATION OF THE REGISTRATION PERMIT**

The registration permit may be revoked if:

(a) The owner or operator of the golf cart fails to abide by the rules and regulations of this ordinance, including failure to maintain liability insurance.

(b) The owner or driver of the golf cart fails to abide by the traffic laws and/or operates the cart in an unauthorized area, specifically including the use of a wireless communication device in a school zone during restricted school hours.

#### **SECTION 11** **REGISTRATION PERMIT IS NOT TRANSFERABLE**

The City's Golf Cart Registration Permit is not transferable. Upon transfer of ownership to another person who intends to operate the golf cart in Tioga, Texas, the new owner must register the golf cart in his/her name and pay the required permit fee as outlined in this ordinance.

#### **SECTION 12** **CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

#### **SECTION 13** **SAVINGS**

All rights and remedies of the City of Tioga, Texas are expressly saved as to any and all violations of this provision of any other ordinance affecting the City's golf cart regulations, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not,

under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 14**  
**SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

**SECTION 15**  
**PENALTY**

7.01 It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, an amount not to exceed five hundred dollars (\$500.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs and continues.

7.02 If the governing body of the City of Tioga determines that a violation of this Ordinance has occurred, the City of Tioga may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

**SECTION 16**  
**PUBLICATION**

The City Secretary of the City of Tioga is directed to publish in the official newspaper of the City, the caption, penalty clause, and effective date of this Ordinance as required by law.

**SECTION 17**  
**ENGROSSMENT AND ENROLLMENT**

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

**SECTION 18**  
**EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage in accordance with law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Tioga, Texas this 9th day of September, 2013.



\_\_\_\_\_  
Craig Jezek  
City of Tioga, Texas

ATTEST:



\_\_\_\_\_  
Donna Carney, City Secretary  
City of Tioga, Texas

[SEAL]



APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney  
City of Tioga, Texas