

CITY OF TIOGA, TEXAS

ORDINANCE NO. 373

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TIOGA, TEXAS, AMENDING ORDINANCE 317, SECTION 9, SETTING A REGISTRATION FEE FOR THE OPERATION OF GOLF CARTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

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 City Council previously adopted Ordinance 317, adopting rules and regulations governing the use and operation of Golf Carts and All-terrain vehicles on Public Streets;

WHEREAS, it has come to the attention of the City Council that the fees adopted in Ordinance 317 need revision;

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

SECTION 1

Section 9 of Ordinance Number 317 shall be amended to read as follows:

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 \$50.00 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 \$50.00.
 - (2) Accompanied by proof of financial responsibility consistent with the minimum requires of the Texas Transportation code 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.

SECTION2
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 3
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 secured 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 4
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 5
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 6
ENGROSSMENT AND ENROLLMENT

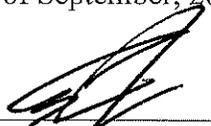
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 7
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 10th day of September, 2018.



Craig Jezek
City of Tioga, Texas

ATTEST:



Donna Carney, City Secretary
City of Tioga, Texas

[SEAL]