

ORDINANCE NO. 783

AN ORDINANCE OF THE CITY OF KYLE, TEXAS AMENDING CHAPTER 47, TRAFFIC AND VEHICLES, AS AMENDED, TO ALLOW THE OPERATION OF GOLF CARTS IN THE CITY ON CERTAIN PERMITTED LOCATIONS; PROVIDING FOR DEFINITIONS; REQUIRING REGISTRATION; REQUIRING SPECIFIED SAFETY EQUIPMENT, PROVIDING FOR OPERATIONAL REGULATIONS; REQUIRING FINANCIAL RESPONSIBILITY; PROVIDING FOR A PENALTY; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Texas Transportation Code H.B. No. 2553 (2009) authorized the governing body of a municipality to regulate and control the operation of golf carts within the city's legal boundaries and on its public streets to ensure the public safety of the community; and,

WHEREAS, Texas Transportation Code Section 551.404, as amended, establishes specific requirements for each municipal government under subsection (a); and,

WHEREAS, H.B. No. 2553 (2009) additionally authorizes the governing body of a municipality to regulate and enforce other standards of operation which may be particular to its unique situation, and,

WHEREAS, golf cart use can help to reduce overall emissions and their use is an eco-friendly or 'green' alternative to traditional passenger vehicles; and,

WHEREAS, golf carts are not normally equipped with many of the traditional safety features that are customarily required or found on more commonly-used motor vehicles; and,

WHEREAS, passenger ejection and injuries can be reduced in an urban setting by requiring additional safety equipment and providing rules of operation;

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

Section 1. Findings. The findings and recitations set out above are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Definitions. As used in this Ordinance, the following terms shall have the meaning indicated as follows:

City means the City of Kyle, Texas.

Driver's License means an authorization issued by the Department of Public Safety for operation of a motor vehicle. The term includes a temporary license or instruction permit and an occupational license.

Golf cart shall have the meaning assigned by the Texas Transportation Code 502.001, as amended, and means a motor vehicle commonly referred to as a golf cart which must have a

minimum of four wheels and has an attainable top speed not greater than 25 miles per hour on a paved level surface and which is manufactured primarily for transporting persons on a golf course and in compliance with those federal motor vehicle safety standards for low-speed vehicles. Specifically excluded from this definition are those motorized conveyances commonly referred to as all-terrain vehicles ("ATVs"), off-road vehicles, four-wheelers, Mules, Gators and design-altered golf carts which have been altered to allow them to travel at a speed greater than 25 miles per hour.

Night time shall have the meaning assigned by Texas Transportation Code 541.401(5) and means the period beginning one-half hour after sunset and ending one-half hour before sunrise.

Operate shall mean the driving of a golf cart.

Operator means any person driving and having physical control over the golf cart.

Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

Parking area means 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.

Street means a public roadway of the City of Kyle, Texas by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that:

- (a) provides for no more than two lanes of vehicular traffic per direction; or
- (b) is not designated as part of either the state or federal highway system.

Section 3. Permitted Locations of Operation.

- (a) Golf carts are permitted to be operated on:
 - (1) streets ("permitted streets") where the posted speed limit is 35 miles per hour or less, and the street is not designated as part of a state highway system, including Interstate Highway 35;
- (b) a "public highway" as defined by the Texas Transportation Code, Section 502.001, if the public highway is in the corporate limits of the City; and,
- (c) a parking area as defined by this ordinance.

Section 4. Registration Permit.

- (a) Before any golf cart may be operated on any permitted street, public highway, or parking area of the City ("permitted locations"), it must be registered by the Texas

Department of Motor Vehicles and display the license plate as mandated by the Texas Transportation Code, Section 551.402.

(b) In addition to any state requirement for registration, all golf carts operated on permitted locations shall be registered with the City. The Chief of Police shall establish registration procedures and shall cause a permit to be issued to all applicants who have fulfilled the proper registration requirements. The City Council of the City shall review and approve the registration requirements before the requirements are effective.

(b) The cost for the permit from the City shall be \$20.00, and the permit shall expire on December 31st of the following year.

Section 5. Required equipment.

(a) A golf cart properly registered under Section 4 of this ordinance must be equipped with the following equipment as mandated by the Texas Transportation Code, Section 551.404(a), as amended, and/or required by the City of Kyle, Texas, to operate on permitted locations:

- (1) operational headlamps;
- (2) operational tail lamps;
- (3) side reflectors;
- (4) operational parking brake; and,
- (5) rearview mirror(s)

(b) A golf cart that is operated at a speed of not more than 25 miles per hour shall display a slow-moving-vehicle emblem when it is operated on a public highway, as defined by Texas Transportation Code, Section 502.001.

(c) Additionally, golf carts driven during the nighttime shall be equipped with the following:

- (1) turn signals;
- (2) horn;
- (3) brake lights; and
- (4) seat belts

(d) Equipment and its installation must meet standards provided by Texas Transportation Code, as amended.

- (e) All such safety equipment shall be maintained as required by state law.

Section 6. Operation Regulations.

- (a) All registered operators of golf carts shall:

- (1) be licensed to operate a motor vehicle as provided by Texas Transportation Code, 521.021, as amended, and carry a valid driver's license as provided by Texas Transportation Code, 521.025, and all driver's license permissions and restrictions shall apply to the operating of a golf cart;
- (2) abide by all traffic regulations applicable to vehicular traffic when operating a golf cart in the City;
- (3) use standard hand signals for turning during daylight if the operator's golf cart is not equipped with turn signals;
- (4) not operate or park a golf cart on a sidewalk at any time;
- (5) not pull any object or person with a golf cart in a permitted location;
- (6) maintain financial responsibility as required for other passenger vehicles in the Texas Transportation Code, 601.051;
- (7) not intentionally or knowingly allow an unlicensed or unregistered operator to operate a golf cart in violation of this chapter;
- (8) not exceed the seating capacity of the golf cart as designed by the manufacturer;
- (9) be allowed to cross streets which are otherwise not permitted locations under this ordinance.

- (b) Operators and passengers of golf carts shall:

- (1) remain seated at all times while the golf cart is in motion;
- (2) be three years old or older.

Section 7. Penalty.

Any person who violates this chapter shall be guilty of a misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00).

Section 8. Savings Clause: All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

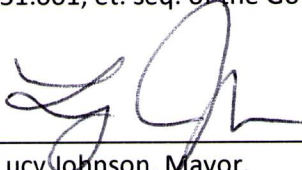
Section 9. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

Section 10. Effective Date. The Ordinance shall be effective immediately following its publication in the local newspaper as required by the Texas Local Government Code. Thereafter, the rules contained therein will apply within the City of Kyle, Texas.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle, Texas, at a regular meeting on the 4 day of Feb., 2014, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. seq. of the Government Code.

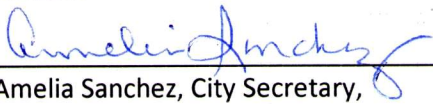
READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle, Texas, at a regular meeting on the 4th day of March, 2014, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. seq. of the Government Code.

APPROVED this 4th day of March, 2014.




Lucy Johnson, Mayor,
City of Kyle, Texas

ATTEST:



Amelia Sanchez, City Secretary,
City of Kyle, Texas

APPROVED AS TO FORM:



W. Ken Johnson, City Attorney,
City of Kyle, Texas