

**ORDINANCE NO. 2020-15**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING CHAPTER 66 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE “TRAFFIC AND VEHICLES”, BY ADDING A NEW ARTICLE VI, “REGULATION OF GOLF CARTS”, THAT PROVIDES REGULATIONS FOR THE OPERATION AND MAINTENANCE OF GOLF CARTS WITHIN THE CITY; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in 2019, the Texas Legislature passed HB1548, which authorizes the use of golf carts on certain public roads; and

**WHEREAS**, the new law also allows for municipalities to regulate use of golf carts in the interest of safety; and

**WHEREAS**, municipalities around the State have taken the opportunity to craft ordinances that fit their individual communities and balance the convenience of golf cart usage with safety and traffic control priorities; and

**WHEREAS**, the City Council of the City of Jersey Village desires that the Code of Ordinance of the City of Jersey Village should be amended to provide for the regulation of golf carts within the City of Jersey Village; and **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE:**

**SECTION 1. THAT**, the City Council of the City of Jersey Village, Texas (the “City Council”) hereby finds and determines that the statements set forth in the preamble of this Ordinance are true and correct and are incorporated herein for all purposes.

**SECTION 2. THAT**, the Code of Ordinances, City of Jersey Village, Texas is hereby amended by adding to Chapter 66 an article, to be numbered VI, which article reads as follows:

**“ARTICLE VI. – REGULATION OF GOLF CARTS**

**Sec. 66-180. - Definitions.**

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

*Golf cart* means a motor vehicle designed by the manufacturer primarily for use on a golf course. This term as used in this article shall not be in conflict with the meaning assigned to this term by Texas Transportation Code §551.401, as it exists at the time of the adoption of this article or as it may be amended thereafter. The term, as used in this article, hereby specifically excludes all terrain vehicles (ATVs), neighborhood electric vehicles (NEVs), four-wheelers, mules, gators, and any other types of motorized conveyances that are not manufactured primarily for use on a golf course.

*Operator* means the person operating and having physical control over a golf cart. An operator must carry a valid Texas Drivers' License.

*Owner* means the person who has legal title to a golf cart, has the legal right of possession of a golf cart, or has the legal right of control of a golf cart. This term as used in this article shall not be in conflict with the meaning assigned to this term by Texas Transportation Code §502.001(31), as it exists at the time of the adoption of this article or as it may be amended thereafter.

*Public highway* includes a road, street, way, thoroughfare, or bridge: that is in the state; that is for the use of vehicles; that is not privately owned or controlled; and, over which the state has legislative jurisdiction under its police power. This term as used in this article shall not be in conflict with the meaning assigned to this term by Texas Transportation Code §502.001(35), as it exists at the time of the adoption of this article or as it may be amended thereafter.

**Sec. 66-181. - Required equipment regulations.**

- (a) Every golf cart operated within the city shall be equipped with all the following equipment which shall be operational at all times:
  - (1) headlights,
  - (2) tail lamps,
  - (3) reflectors,
  - (4) parking brakes,
  - (5) rearview mirrors; and
  - (6) a slow moving vehicle emblem as provided for in Texas Transportation Code §547.703, as it exists at the time of the adoption of this article or as it may be amended thereafter.
- (b) Every golf cart in operation within the city on a highway or public cart path shall be subject to inspection by a peace officer to determine compliance with the equipment requirements herein.
- (c) Every golf cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and shall comply with all Federal, State, and city regulations, including Chapter 42, Article IV this Code.

**Sec. 66-182. - Operation regulations.**

- (a) Every operator shall be licensed to operate a motor vehicle as provided by the Texas Transportation Code and shall carry a valid Texas drivers' license while operating the golf cart.
- (b) Every operator shall abide by all traffic regulations applicable to vehicular traffic when operating a golf cart on any public highway in the city.
- (c) No golf cart may be operated within the city at a speed exceeding twenty-five miles per hour (25 mph).
- (d) No person shall operate a golf cart on any sidewalk or hike and bike trail within the city.

- (e) A golf cart may only be operated on a public highway with a posted speed limit of not more than thirty-five miles per hour (35 mph), or on a posted public cart path unless otherwise restricted.
- (f) At no time shall a person operate a golf cart on a street with a posted limit of more than thirty-five miles per hour (35 mph). It shall be an affirmative defense to prosecution for a violation of this subsection that the operator was crossing a public highway with a posted limit of more than thirty-five miles per hour (35 mph) at a perpendicular intersection to immediately access a public highway with a posted speed limit of thirty-five miles per hour (35 mph) or less.
- (g) At no time shall a person operate a golf cart on the following streets, except to cross at a perpendicular intersection to immediately access a public highway of a posted speed limit of thirty-five miles per hour (35 mph) or less:
  - (1) Jones Road
  - (2) West Road
  - (3) North Eldridge Parkway
- (h) A golf cart is prohibited on any public highway or public cart path while such public highway or public cart path is under construction or repair.
- (i) An operator shall not overtake and pass a vehicle in the same lane occupied by the vehicle being overtaken.
- (j) A golf cart not be operated between lanes of traffic, on medians, or between adjacent lines of rows of vehicles.
- (k) A golf cart shall move to the right and yield the right-of-way to faster moving vehicles.
- (l) The operator and every occupant of a golf cart shall be limited to the seating capacity as designed by the manufacturer and all occupants shall remain seated in a seat designed to hold passengers while the golf cart is in motion. The operator shall not transport a person on a part of the golf cart not designed or intended to transport a passenger.
- (m) No operator shall allow a person to ride in the lap of the operator or any other person being transported.
- (n) No operator of a golf cart shall transport a child under the age of five (5) years, except during posted school zone hours or when school zone lights are active.
- (o) No operator shall use a wireless communication device in a school zone during restricted school hours.

**Sec. 66-183. - Exceptions and affirmative defenses.**

- (a) A golf cart owned or operated for official government purposes by the city or any other governmental entity is exempt from the regulations provided by this article.

- (b) It shall be an affirmative defense to prosecution for a violation of this article that the operator was operating the golf cart to evacuate persons during a declared city emergency and for seventy-two (72) hours after the emergency, unless otherwise ordered by the city.
- (c) It shall be an affirmative defense to prosecution for a violation of this article that the golf cart was operated in a city-approved parade route for the purpose of participating in a parade pursuant to a valid permit issued by the city for such purpose.”

**SECTION 3. THAT,** any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two thousand dollars (\$2,000), with each day of violation constituting a separate offense.

**SECTION 4. THAT,** in the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent or ordinances jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and, the City Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**SECTION 5. THAT,** the City Council hereby directs the City Secretary to publish the caption of the Ordinance as required under and according to State law.

**SECTION 6. THAT,** this Ordinance shall be in full force and effect upon the date of its passage by the City Council.

**PASSED AND APPROVED THIS 15HT DAY OF JUNE 2020.**

**S/ANDREW MITCHAM, MAYOR**

**ATTEST:**

**S/LORRI COODY, CITY SECRETARY**

