

ORDINANCE 2014-03

AN ORDINANCE OF THE TOWN OF QUINTANA, TEXAS, TO PERMIT THE USE OF GOLF CARTS IN THE CITY OF QUINTANA, TEXAS AND ON CERTAIN PUBLIC STREETS SUBJECT TO COMPLIANCE OF DESIGNATED AREAS, TIMES, AND REQUIREMENTS OF EQUIPMENT; PROVIDING FOR EXCEPTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, *Texas Transportation Code H.B. No. 2553* authorized the governing body of a municipality to regulate and control the operation of golf carts (golf carts only) 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 51.404*, as amended establishes specific requirements for each municipal government under subsection (a); and,

WHEREAS, the Town Council has reviewed, discussed, and drafted recommendations which would balance public safety with desired golf cart usage within the Town and/or City limits;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF QUINTANA, TEXAS after due consideration, the Town Council of the Town of Quintana, deems it in the public interest to adopt this ordinance and the findings and recitations set out in the preamble to this ordinance and are found true and correct and they are hereby adopted by the Town Council and made a part hereof for all purposes.

The Transportation Code, Chapters 541-600, outlines the rules of the road for all "self-propelled" vehicles. *Texas Transportation Code 541.201; Ch. 545.*

A golf cart is a self-propelled vehicle and must follow the rules of the road, except for those where specific exceptions have been made. A golf cart operating under section 551.403 does not have to follow the equipment requirements if it is driven only as allowed under that section (the statute allowing driving in master planned communities and on beaches).

Designated areas and times for use:

The designated areas and times for use of golf carts shall be as follows. Golf carts are:

- (1) Allowed on all streets EXCEPT where speed limits exceed 35 mph
(EXCEPT FOR ACCESS TO CROSS SUCH STREETS OR ROADWAYS)
- (2) Carts may only be driven during DAYLIGHT hours

Texas Transportation Code 502.0071 GOLF CARTS

An owner of a golf cart is not required to register the golf cart if:

- (1) the operation of the golf cart occurs in the daytime, as defined by Section 541.401; and
- (2) the operation:
 - (A) does not exceed a distance of two miles from the point of origin to the destination if driven to and from a golf course;
 - (B) occurs entirely within a master planned community with a uniform set of restrictive covenants that has had a plat approved by a county or a municipality; or
 - (C) *occurs on a public or private beach and/or within a 2 mile radius of beach access.*

Requirements:

The following are requirements for the use of golf carts in the Town:

- (1) *Must have a "Slow Vehicle" reflective sign on the back of the cart;*
"Slow-moving vehicle" means: a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less, not including (NEVs), Neighborhood Electric Vehicles, not including (ATVs), "All Terrain Vehicles" AND not including an electric personal assistive mobility device, as defined by Section 551.201;
"Slow-moving-vehicle emblem" means a Triangular Emblem that conforms to standards and specifications adopted by the director under Section 547.104.

Sec. 551.404 OPERATION IN MUNICIPALITIES AND CERTAIN COUNTIES. (a) In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a public highway that:

- (1) is in the corporate boundaries of the municipality; and
- (2) has a posted speed limit of not more than 35 miles per hour.

Texas Transportation Code Sec. 551.403

(b) A golf cart or utility vehicle operated under this section must have the following equipment:

- (1) Headlamps;

- (2) Tail lamps;
- (3) Reflectors;
- (4) Parking brake; and
- (5) Mirrors.
- (6) Reflective Flag

- (2) Golf Carts can only be Driven by Licensed Drivers
- (3) Insurance is not required if the cart is driven pursuant to the state law exceptions allowing its use:
 - (a) in a master planned community that meets certain conditions;
 - (b) on a golf course;
 - (c) *on a public or private beach; or*
 - (d) *on a city street that has a posted speed limit of 35 miles per hour or less*
- (4) Intoxication laws apply to all motorized vehicles as set forth by Texas State Law

Penalty:

The following penalties will be assessed by the Town of Quintana for non-compliance and/or violations, as described below:

An offense of any and all required Texas Transportation Codes and/or Town of Quintana Requirements as set forth in this ordinance shall incur fines assessed for each offense for each Day of occurrence as described herein;

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall upon conviction be punished by a fine not exceeding Two Hundred (\$200.00) Dollars and each day any such violation occurs or continues shall constitute a separate offense.

It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or 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, because the same would have been enacted by the Town Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Savings Clause:

This ordinance is cumulative of and in addition to all other ordinances of the Town of Quintana, Texas, on the same subject and all such ordinances are hereby expressly saved from repeal. Provided however, where this ordinance and another ordinance shall conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

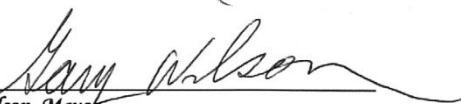
No offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance.

All ordinances and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

Effective Date:

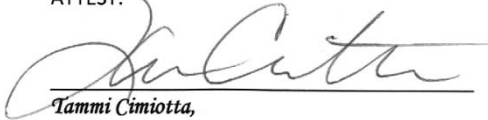
This ordinance shall take effect immediately from and after its adoption and it is accordingly so ordained.

Approved this 14 day of April, 2014.



Gary Wilson, Mayor

ATTEST:



Tammi Cimiotta,

City Secretary
Town of Quintana
814 N Lamar
Quintana, TX. 77541

