

AN ORDINANCE OF THE CITY OF MELISSA, TEXAS, AMENDING CHAPTER 10 (TRAFFIC CONTROL) OF THE MELISSA CODE OF ORDINANCES NO. 92-04, BY ADDING ARTICLE 10.1100 (OPERATION OF GOLF CARTS ON PUBLIC STREETS); REGULATING THE OPERATION OF GOLF CARTS ON PUBLIC STREETS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, Chapter 551, Subchapter F, of the Texas Transportation Code, to allow for the operation of golf carts within municipalities under certain conditions; and

WHEREAS, the Texas Transportation Code grants to 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; and

WHEREAS, the Texas Transportation Code also permits municipalities to prohibit the operation of golf carts on a public highway if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

WHEREAS, the City Council of the City of Melissa, Texas ("City Council") has investigated and determined that the prohibitions set forth in this Ordinance are necessary in the interest of safety; and

WHEREAS, the City Council has further investigated and determined that it would be advantageous and beneficial to the citizens of the City of Melissa, Texas ("Melissa") and in the best interest of the public health, safety and welfare of the citizens and the public to establish regulations for the operation of golf carts by amending Melissa's Code of Ordinances No. 92-04, Chapter 10 (Traffic Control), to add Article 10.1100 (Operation of Golf Carts on Public Streets) as set forth below.

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Amendment to Chapter 10 (Traffic Control) of Melissa's Code of Ordinances No. 92-04, Adding Article 10.1100 (Operation of Golf Carts on Public Streets). Chapter 10 (Traffic Control) of Melissa's Code of Ordinances No. 92-04, is hereby amended to add Article 10.1100 (Operation of Golf Carts on Public Streets) to read as follows:

“ARTICLE 10.1100 OPERATION OF GOLF CARTS ON PUBLIC STREETS

§ 10.1101 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:

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

Driver’s License means 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 means a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.

Owner means the person holding title to the golf cart.

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.

Permit means a certificate/decal of authorization issued to the applicant by the City’s Police Department authorizing the operation of the golf cart for which the permit was issued. The decal will display the month and year of expiration.

Permit Holder means the person to whom a golf cart permit has been issued.

Public Safety Personnel means any employee or officer of a governmental law enforcement agency or the Melissa Fire Department.

Public Street means a publicly-owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the corporate boundaries of Melissa.

Sidewalk means 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 means 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 Texas Transportation Code and is displayed in accordance with Section 547.703 of the Texas Transportation Code.

Texas Transportation Code means the code as it currently exists or 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.

§ 10.1102 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 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 601.051 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) headlamps;
 - (2) Two (2) tail lamps;
 - (3) Side reflectors (two (2) front, amber in color and two (2) rear, red in color);
 - (4) Parking brake;
 - (5) Rearview mirror(s), capable of a clear, unobstructed view of at least two hundred feet (200') to the rear;
 - (6) Slow-moving vehicle emblem; and

- (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 a seat designed to hold passengers. No person may stand or ride in the lap of the driver and/or other passenger of a golf cart while it is moving.

§ 10.1103 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 good 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 and 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.

§ 10.1104 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, park trail or any 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 Melissa, and no motor vehicle shall be driven 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 course to another section of the same golf course across a multi-lane road, the operator shall cross at 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 factory 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 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 at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of five hundred feet (500').

§ 10.1105 Liability

- (a) Nothing in this Article shall be construed as an assumption of liability by Melissa 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 any 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.

§ 10.1106 Permit required

- (a) No person shall operate, cause to be operated or allow the operation of a golf cart on any authorized public streets, parking areas and traffic ways unless a valid permit has been issued for the golf cart or otherwise allowed by law. A permit is not required for golf carts owned or leased by the golf course and used entirely on the golf course or crossing from one section of a golf course to another section of the same course. A permit is not required for a privately owned golf cart used entirely on the golf course or crossing from one section of a golf course to another section of the same course. No golf cart exempted from permitting under this section may be operated on any public streets, parking areas and traffic ways for any other purpose;
- (b) Application for a permit authorizing the operation of a golf cart shall be made by a person who owns leases or otherwise uses a golf cart. Such application shall be made in writing to the City's Police Department on a form designated for that purpose. On such application shall be set forth the following:
 - (1) The name, address, telephone number and state driver's license number, if applicable, of the permit holder;
 - (2) The street address where the golf cart is kept, including the particular suite or apartment number, if applicable;
 - (3) The business name used for the premises where the golf cart is kept, if applicable;
 - (4) The year, make, model, color, vehicle identification number or serial number if no vehicle identification number has been issued to the golf cart, electric or gasoline; and
 - (5) The person(s) and location, designated by the City's Chief of Police, that inspected the golf cart, including a certification by said inspector that the golf cart complies with the requirements of this Ordinance before the issuance of a permit;
- (c) The permit shall be permanently affixed on the left side of the golf cart in such a manner that it is clearly visible from fifty feet (50'). The permit must not be damaged, altered, obstructed or otherwise made illegible. The permit holder shall apply for replacement permit and pay all applicable cost associated with the issuance and inspection of the golf cart;
- (d) The permit shall only be placed upon the golf cart for which it was issued;

- (e) A permit issued to a golf cart shall become invalid if the golf cart is altered in a manner that fails to comply with any requirement of this Ordinance;
- (f) Permits/Stickers are valid for a period of (2) two years. The following fee shall apply:
 - (1) Inspection by Police Department \$20.00 (includes Permit/Sticker);
- (g) The permit holder shall notify the City's Police Department within ten (10) working days if the golf cart transfers ownership or the address of the normal storage location has changed. The information shall be submitted on a form designated by the City's Chief of Police;
- (h) Lost or stolen Permit/Stickers are the responsibility of the Owner. A police report must be filed in the event of a lost or stolen Permit/Sticker. If no record can be found of a previous application, or the receipt of a Permit/Sticker, the City's Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary before a replacement Permit/Sticker is issued;
- (i) Any person who operates a golf cart and fails to receive and properly display a City Permit/Sticker will be subject to all applicable state laws, in addition to being in violation of this Ordinance; and
- (j) A permit may be revoked at any time by the City's Chief of Police, or his designee, if there is any evidence that the permit holder cannot safely operate a golf cart on any authorized public streets, parking areas and traffic ways of the City in compliance with this Ordinance.

§ 10.1107 Public Safety Personnel

Public Safety Personnel may operate a golf cart on any public street, parking area and traffic way without any further restrictions when the golf cart is used in the performance of his/her duties.

SECTION 3. Penalty Provision. Any person, firm, entity or corporation who violates any provision of this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Melissa from filing suit to enjoin the violation. Melissa retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. Severability. Should any section, subsection, clause or phrase of this Ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Melissa hereby declares that it would have passed this Ordinance, and each section, subsection, clauses and phrases be declared unconstitutional or invalid.

SECTION 6. Effective Date. This Ordinance shall be effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS on this _____ day of _____, 2012.

REED GREER, Mayor

ATTESTED AND CORRECTLY RECORDED:

LINDA BANNISTER, City Secretary

Date(s) of publication: _____, *in the McKinney Courier-Gazette*