

ORDINANCE 2014-1140

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING RULES AND REGULATIONS FOR GOLF CARTS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Fulshear, Texas, (“City”) desires to ensure the health, safety, and welfare of the public by adopting rules and regulations regarding golf cart operation; and

WHEREAS, the Texas Transportation Code Chapter 551 regulates the operation of golf carts;

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

Section 1. That the facts and recitations found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

Section 2. That the City adopts the following rules and regulations regarding golf cart operations:

- “A. Definitions.
 - (1) Golf cart means a motor vehicle designed by the manufacturer primarily for use on a golf course with a maximum speed of twenty-five (25) miles per hour.
 - (2) Public highway includes a road, street, way, thoroughfare, or bridge that is in this 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 powers.
- B. Golf cart operation.
 - (1) An operator may operate a golf cart in a master planned community that has in place a uniform set of restrictive covenants and for which the city or county has approved a plat.
 - (2) An operator may operate a golf cart on a public highway for which the posted speed limit is not more than thirty-five (35) miles per hour if the golf cart is operated during the daytime and not more than two (2) miles from the location where the golf cart is

usually parked and for transportation to or from a golf course.

- (3) An operator may operate a golf cart on a public highway that is in the corporate boundaries of the city and has a posted speed limit of not more than thirty-five (35) miles per hour.
- (4) An operator may operate a golf cart to cross an intersection, including a road or street that has a posted speed limit of more than thirty-five (35) miles per hour.

C. Permit required.

- (1) Golf cart owners shall submit a golf cart permit application to the city, have the golf cart inspected by the City's police department to ensure compliance with this Ordinance, and receive a permit from the City to be able to operate a golf cart in the city.
- (2) Golf carts shall have affixed a valid City issued permit decal at all times the golf cart is operated.
- (3) A golf cart permit decal shall be valid for one (1) year from the date of issuance.
- (4) There shall be a thirty-five (35) dollar permit fee charged by the city for a permit under this section.
- (5) A golf cart permit decal shall be displayed on the front driver's side panel on the golf cart so as to be clearly visible.
- (6) A golf cart permit is not transferable.

D. Permit revocation.

The city may revoke a permit if any of the following occur:

- (1) The golf cart does not conform to the rules and regulations contained in this Ordinance;
- (2) The golf cart operator pleads guilty or no contest or is found guilty for violating any provisions of this Ordinance, any other Ordinance of the city, or any state or federal law while operating the golf cart; or
- (3) The golf cart owner or operator fails to maintain financial responsibility for the golf cart as required by this Ordinance.
- (4) The City shall send written notice of the golf cart permit revocation to the owner as named on the permit application. Notice may be sent by certified

mail with return receipt requested or by personal delivery.

- (5) Golf cart owner may appeal a permit revocation by filing a written appeal with the City Secretary no later than the fifth (5th) day after the date of receiving the notice of revocation. If the city mails the notice of revocation by certified mail with return receipt requested, then owner is deemed to have received the notice at time of signing for the notice. If such notice is unclaimed or returned without a signature, owner is deemed to have received the notice three (3) days after the city deposited the notice in the mail.

E. Driver's license, proof of financial responsibility, required equipment.

- (1) A golf cart operator shall hold a valid driver's license.
- (2) A golf cart operator shall maintain proof of financial responsibility for the golf cart operated in the city.
- (3) All golf cart operated in the City shall be equipped with headlamps, tail lamps, reflectors, parking brake, mirrors, and front and rear seat belts.
- (4) Golf cart shall display a slow-moving-vehicle emblem when it is operated on a public highway.

F. Exemptions.

- (1) Golf carts operated for city sponsored events are exempt from this Ordinance.
- (2) Golf carts operated on either a public highway or city street in which all regular vehicular traffic is restricted."

Section 3. *Penalty.*

Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance, except Sections C and D, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine as set forth in the Texas Transportation Code, as amended, for such offense. Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense. Any person who violates or causes, allows, or permits another to violate Sections C or D of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 4. *Severability.*

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 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 of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. *Repeal.*

Ordinance No. 2011-1049 is repealed in its entirety as well as any other ordinance in conflict herewith to the extent of such conflict.

Section 6. *Effective Date.*

This Ordinance shall become effective immediately and punishable when published as required by law.

PASSED, APPROVED, and ADOPTED this 15th day of April, 2014.

CITY OF FULSHEAR, TEXAS



Thomas C. Kuykendall, Mayor

ATTEST:



D. Gordon Offord, City Secretary