

ORDINANCE NO. 10 – 028

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS AMENDING CHAPTER 34, "TRAFFIC" OF "THE GALVESTON CITY CODE OF 1982, AS AMENDED," TO PERMIT THE USE OF GOLF CARTS IN THE CITY ON CERTAIN PUBLIC STREETS SUBJECT TO COMPLIANCE WITH PERMIT REGISTRATION, HAVING SPECIFIED SAFETY EQUIPMENT AND MOTOR VEHICLE INSURANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PENALTY; PROVIDING FOR EXCEPTIONS; PROVIDING FOR AN EFFECTIVE DATE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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 551.404, as amended establishes specific requirements for each municipal government under subsection (a); and,

WHEREAS, H.B. No. 2553 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 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; and,

WHEREAS, golf carts, unlike more traditional motor vehicles, have identification numbering which is easily removed, such that establishing a golf cart registration permitting program would promote return of such property to rightful owners in the event of loss or theft and subsequent recovery; and,

WHEREAS, on December 13, 2009, the City Council appointed two ad hoc committees to make recommendations on the use of golf carts in master planned communities and also on other public streets and roadways with the City of Galveston, the East End Golf Cart Committee and the West End Golf Cart Committee; and,

WHEREAS, those committees each thereafter held regularly conducted and posted weekly meetings over a two to three month period, to review, discuss and draft recommendations to present to the City Council regarding a municipal golf cart ordinance which would balance public safety with desired golf cart usage within the city , and which included a presentation to City Council; and,

WHEREAS, those committees met jointly two weeks ago at a properly posted public meeting to review, vote on the draft ordinance to City Council; and,

WHEREAS, the City Council of Galveston, Texas has reviewed the Committees' recommendations and has determined it is desirable to regulate the operation of a golf cart on a public street to ensure public safety, and pursuant to the Texas Transportation Code; and,

WHEREAS, the late Steven C. Salch, Esq. graciously and professionally rendered to the City of Galveston community his chairmanship of the East End Golf Cart Committee, thereby contributing his formidable talents in approaching the subject of municipal golf cart regulation in an organized and cohesive manner, such that the City Council determined to memorialize this ordinance in his name; and,

WHEREAS, after due consideration, the City Council of the City of Galveston, Texas, deems it in the public interest to amend The City Code, Chapter 34, by adding Article IX, "Golf Carts."

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Section 34.1, "Definitions" of Chapter 34, "Traffic" is hereby amended to read and provide as follows:

"Sec. 34-1. Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

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

Golf cart shall have the meaning assigned by the Texas Transportation Code §502.001(7), 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.

Golf cart registration permit shall mean a privilege granted, upon compliance with the terms of this chapter, to legally operate a golf cart upon a public street or roadway within the corporate boundaries of the City of Galveston during the year when granted.

Golf cart registration permit decal shall mean a certificate for attachment to a golf cart carrying a serial number corresponding to the number of the golf cart license for such golf cart and showing the month and calendar year the license shall expire.

Golf cart registration permit fee shall mean an administrative charge imposed as specified in this chapter for the granting of a golf cart registration permit and the issuance of a golf cart registration permit decal.

Owner means the person holding title to the golf cart and the person required to register the golf cart with the City of Galveston, Texas.

Park or parking: 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 Galveston, Texas by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that:

- a) Has a posted speed limit of 35 miles per hour or less; or
- b) Provides for no more than two lanes of vehicular traffic per direction; or
- c) Is not designated as part of either the State or Federal highway system.

Section 34-202.

Golf carts are not permitted on public streets as follows:

- a) Where the posted speed limit exceeds 35 miles per hour;
- b) Avenue “O” between 53rd and 15th Streets and Avenue “P”, between 19th and 53rd Streets; or
- c) Which are designated as part of the State highway system, including the “Pelican Island Causeway”.

Section 34-203 Registration Permit.

Before any golf cart may be operated over the authorized streets and parking areas of the City, it must be registered and provided a permit with the Police Department of the City of Galveston. Registration for a registration permit will consist of an annual fee of \$25.00 which covers the administrative costs of such registration, to include a registration permit decal. The registration permit process includes the following specifics:

- a) Applicant shall complete the City-supplied registration permit application form, which shall contain the:
 - 1) Name and address of the Applicant owner.
 - 2) Location where the vehicle is regularly stored overnight.
 - 3) Model, make, name and golf cart identification number.
 - 4) Current driver's license number of owner.
 - 5) Statement that all operators are required to be licensed pursuant to Texas Transportation Code §§521.001(3) and 521.021, as amended, and that all equipment required herein is installed and will be kept current during the registration period.
 - 6) Statement that the registration permit holder and any user shall indemnify and hold harmless the City of Galveston, Texas for any and all civil liability associated with said registration waives any and all rights to sue or allow subrogation by insurance company.
 - 7) Other information which the City may require.
- b) The registration permit application shall be:
 - 1) Accompanied by a fee of \$25.00.
 - 2) Accompanied by proof of financial responsibility consistent with the minimum requirements of Texas Transportation Code §601.051, as amended, for operation of motor vehicles. Applicant owner must also show their original driver's license and shall provide copies of the both the owner's drivers license and proof of financial responsibility.
 - 3) Signed by the Applicant owner.
- c) Upon issuance, the registration permit decal shall be attached and displayed upon the right front panel (driver's side) of the golf cart so as to be clearly visible.
- d) The registration permit shall be effective for one year from the date of registration, or such time as revoked or the golf cart is transferred to a new owner.
- e) There shall be a dual registration permit process, whereby registration permits shall be issued principally for operation east of and including 103rd street or west of 103rd street.
 - 1) Registration permit applications for operation east of and including 103rd Street shall require applicants to verify that they have already added the additional safety equipment required for such operation by Section 34-206(b) herein.

- 2) Registration permits for operation
 - (a) East of (and including) 103rd Street shall be issued a green color permit registration decal.
 - (b) West of 103rd Street shall be issued a red color permit registration decal.
- 3) Golf carts that are registered for operation east of and including 103rd Street may also be operated west of 103rd Street. Golf carts that are registered for operation west of 103rd Street may not be operated east of or on 103rd Street.

Section 34-204: Revocation.

The registration permit may be revoked if:

- a) The owner or driver of a golf cart fails to abide by the rules and regulations of this chapter
- b) The owner or driver of a golf cart fails to abide by the traffic laws and the use of a golf cart on any authorized street or parking area
- c) The owner fails to maintain proof of financial responsibility during the entire permit registration period.

Section 34.-205 Transfer.

The registration permit is not transferable. Upon transfer of ownership of the golf cart to a person who intends to operate it over authorized streets and parking areas, the new owner must register the golf cart and pay the registration permit fee as outlined hereinabove in Section 34-203.

Section 34-206. Required equipment for Golf cart Registration permits.

- (a) A golf cart must be equipped with the following minimum equipment as mandated by the Texas Transportation Code, Section 551.404(a) as amended and/or required by the City of Galveston, Texas to be eligible for a registration permit:
 - (1) Operational headlamps;
 - (2) Operational tail lamps;
 - (3) Side reflectors;
 - (4) Operational parking brake;
 - (5) Rearview mirror(s)
 - (6) Slow moving vehicle sign having a reflective surface designed to be clearly visible in daylight or at night from the light of standard headlamps at a distance of at least 500 feet and shall be mounted base down on the rear of the vehicle at a height from three to five feet above the road surface and shall be maintained in a clean reflective condition.;
- (b) Additionally, golf carts registered for operation principally east of and including 103rd Street must also be equipped with:

- (1) Turn signals;
- (2) Horn;
- (3) Brake lights; and
- (4) Seat belts

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

- (c) All such safety equipment shall be maintained as provided by the state traffic laws within the state Transportation Code, as amended.

Section 34-207. Operation Regulations.

- (a) All drivers must 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.
- (b) All drivers of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the City.
- (c) Golf carts shall not be operated on sidewalks at any time.
- (d) The authorized driver of a golf cart operating the cart on a street (as defined herein) can cross an excluded street as provided in Section 34-202, but otherwise may not operate a golf cart on any excluded street.
- (e) Golf carts are prohibited from pulling trailers, boats, jet skis, other objects or people on public streets and the right of way.
- (f) Driver and Passengers shall
 - (1) Be limited to limited to the seating capacity as designed by the manufacturer
 - (2) Be seated at all times while the cart is in motion.
 - (3) If under the age of seven (7), be restrained by either a adult or by a seatbelt.
 - (4) If over the age of seven (7), use seatbelts when operating a golf cart east of and including 103rd Street.
- (g) Drivers shall maintain financial responsibility as required for other passenger vehicles in the Texas Transportation Code, §601.051.

Section 34-208. Penalties.

Any person who violates the terms of this chapter shall be penalized as follows:

- (a) In addition to traffic violations for which the owner or driver of the golf cart may be subject to pursuant to state law, violations of Article IX of Chapter 34 are unlawful and a misdemeanor offense punishable as follows:
 - a. Violations of Section 34-203 shall be punishable by a fine not exceeding fifty dollars (\$50.00). Each day a violation continues shall constitute a separate offense.

- b. Violations of Sections 34-207(e) or 34-207(f) shall be punishable by a fine not exceeding two hundred dollars (\$200.00).

SECTION 3. It is hereby declared to be the intention of the City Council 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 should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 6. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

I, Barbara S. Lawrence, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 11th day of March, 2010, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this ____ day of _____, 2010.

Secretary for the City Council
of the City of Galveston

APPROVED AS TO FORM:

Roberta B. Cross
Assistant City Attorney