

CITY OF BASTROP, TX  
ORDINANCE NO. 2017-30

**GOLF CART ORDINANCE**

**AN ORDINANCE OF THE CITY OF BASTROP, TEXAS AMENDING THE CODE OF ORDINANCES, RELATED TO CHAPTER 12, TITLED "TRAFFIC AND VEHICLES", ARTICLE 12.12, TITLED "GOLF CARTS" AND 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.**

**WHEREAS,** under Texas Law, it is generally an offense to operate golf carts on public streets; and

**WHEREAS,** the City Council of the City of Bastrop ("City Council") seeks to authorize the operation of golf carts on public streets in certain situations; and

**WHEREAS,** the City Council finds that the use of golf carts as transportation over public streets is reasonable and prudent in certain situations and in accordance with the safeguards specified in this ordinance; and

**WHEREAS,** the City Council is authorized to allow limited operation of golf carts on public streets in accordance with Texas Transportation Code §§ 551.403 and .404; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TX:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. AMENDMENT**

Chapter 12, Article 12.12 of the City of Bastrop Code of Ordinances is hereby enacted, and shall be read in accordance with *Attachment "A"* which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

**3. REPEALER**

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are

hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

#### **4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

#### **5. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

#### **6. EFFECTIVE DATE**

This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

#### **7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

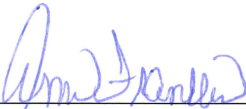
**READ & ACKNOWLEDGED** on First Reading on the 12th day of December, 2017.

**READ & APPROVED** on the Second Reading on the 9<sup>th</sup> day of January, 2018.

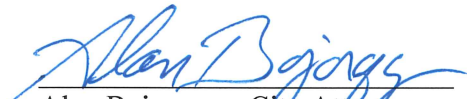
**APPROVED:**

by:   
Connie B. Schroeder, Mayor

**ATTEST:**

  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

  
Alan Bojorquez, City Attorney

## Bastrop Code of Ordinances

### Chapter 12: TRAFFIC AND VEHICLES

#### Article 12.12: GOLF CARTS

##### Sec. 12.12.001 – General

- (a) **Purpose.** The purpose of this Article is to provide a convenient and safe means of travel within the City during special events and other times of increased pedestrian and vehicular traffic in the City. Golf carts, if used properly, can be an effective way to travel for short distances within the City, especially during times of increased congestion. However, to ensure the public safety and welfare, the operation of golf carts must comply not only with normal regulations regarding vehicles, but should comply with special safety regulations detailed in this Article that are intended to protect the operator, passengers, pedestrians and other individuals operating motor vehicles on the roadways.
- (b) **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:
- (1) **Driver** means the person driving and having physical control over the golf cart.
  - (2) **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.
  - (3) **Golf cart** shall have the meaning assigned by the Texas Transportation Code §502.001(18), as amended, and means a motor vehicle commonly referred to as a golf cart, which must have 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.
  - (4) **Owner** means the person who has a property interest in or title to the golf cart.
  - (5) **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.



- (6) **Public Safety Personnel** means any employee or officer of a governmental law enforcement agency or the City of Bastrop or its Department(s).
- (7) **Public Street** means the public roadways of the City of Bastrop by whatever name, e.g. road, alley, avenue, highway, route, boulevard, etc. within the corporate boundaries of Bastrop that:
  - i. Has a posted speed limit of 35 miles per hour or less;
  - ii. Provides for no more than one lane of vehicular traffic per direction;
- (8) **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.
- (9) **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.
- (10) **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.

#### **Sec. 12.12.002 - Operation of Golf Carts On Public Streets**

- (a) No person, other than public safety personnel, may operate a golf cart on a public street, parking area and/or traffic way unless they first obtain a registration permit and affix a registration decal to the golf cart.
- (b) The owner of a golf cart being operated on a public street must:
  - (1) obtain a registration permit from the City;
  - (2) affix a registration decal to the golf cart;
  - (3) maintain current financial responsibility for the golf cart, as required of other passenger vehicles in Section 601.051 of the Texas Transportation Code; and
  - (4) ensure that the golf cart has the following equipment, which must continuously remain in good working and operational order:
    - i. two (2) headlamps;
    - ii. two (2) tail lamps;
    - iii. side reflectors (two (2) front, amber in color and two (2) rear, red in color);

- iv. rearview mirror(s), capable of a clear, unobstructed view of at least two hundred feet (200') to the rear;
- v. parking break; and
- vi. slow-moving vehicle emblem(s) 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.

**Sec. 12.12.003 – Registration 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 registration permit has been issued for the golf cart or otherwise allowed by law.
- (b) Application for a permit authorizing the operation of a golf cart shall be made in writing and filed with the City Manager or his/her designee by a person who owns, leases, or otherwise uses a golf cart. Said application shall set forth the following:
  - (1) The name, address, telephone number and state driver's license number, of the applicant;
  - (2) The street address where the golf cart is kept, including the particular suite or apartment number, if applicable;
  - (3) The particular event, festival, or public celebration necessitating the use of the golf cart or other reason why the applicant needs to use the golf cart on public streets;
  - (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) Certification that the golf cart complies with the requirements of this Ordinance;
  - (6) 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 operational during the permit period;
  - (7) Statement that the registration permit holder, as well as any user of the golf cart, shall indemnify and hold harmless the City of Bastrop, Texas for any and all civil liability associated with said registration, and waives any and all rights to sue or allow subrogation by an insurance company; and

- (8) Other information which the City Manager or his/her designee may require.
- (c) The City Manager or his/her designee shall issue a registration permit for use of a golf cart on city streets when an applicant submits the completed written application within 10 working days of an event occurring in the City that is:
- (1) Open to the public;
  - (2) Attendance is publicly encouraged by the City through advertisements or notices on City property or the City's website;
  - (3) Likely to increase pedestrian and vehicular traffic congestion in the City; and
  - (4) Operation of the golf cart on public streets will not interfere with public safety.
- (d) The City Manager or his/her designee may issue a registration permit for use of a golf cart on city streets when an applicant submits the completed written application and the City Manager or his/her designee concludes that use of the golf cart will not interfere with public safety and will provide the operator and potential passengers with a safe and convenient means of travel for a specified purpose.
- (e) If a registration permit application is approved by the City Manager or his/her designee a \$20 permit fee must be submitted prior to the registration decal being issued.
- (f) The registration permit decal shall be affixed on the left side of the golf cart, it may not be damaged, altered, obstructed or otherwise made illegible and may only be placed upon the golf cart for which it was issued.
- (g) 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.
- (h) Registration Permits/Decals must include the dates and times the operation of the golf cart is allowed. A registration permit may not be valid for longer than 7 calendar days. The registration permit/decal is only valid for the dates and time periods listed on the permit/decal.
- (i) Lost or stolen Permit/Decals are the responsibility of the Owner. If no record can be found of a previous application, or the receipt of a Permit/Decal, the City may direct the applicant to reapply, and also resubmit any and all fees necessary before a replacement Permit/Decal is issued.
- (j) A permit may be revoked at any time by the City, or its designee(s), 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.



- (k) Failure to comply with any of the requirements or regulations described herein constitutes evidence that the permit holder cannot safely operate a motorized golf cart on the street within the City of Bastrop.

#### **Sec. 12.12.004 – Operational Regulations for All Golf Carts**

- (a) The driver of a golf cart on public street, if permitted, must have a valid driver's license and comply with all applicable federal, state and local laws and ordinances.
- (b) 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.
- (c) 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.
- (d) No person may stand or ride in the lap of the driver and/or other passenger of a golf cart while it is moving.

#### **Sec. 12.12.005 Liability**

- (a) Nothing in this Article shall be construed as an assumption of liability by the City of Bastrop 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.

#### **Sec. 12.12.006 – 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 or on official business of the City or on City owned property and City leased property, including but not limited to, a parade, a festival or other special events.

#### **Sec. 12.12.007 – Criminal Offense**

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 the City of Bastrop from filing suit to enjoin the violation. Bastrop retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**Sec. 12.12.008 – Civil Penalties**

In addition to criminal misdemeanors for traffic violations, pursuant to Texas Law, the owner, driver and/or permit holder of the golf cart may be subject to the following civil penalties:

- (a) For the first offense, a fee of not less than \$25.00;
  
- (b) For the second and any subsequent offense, a fee of not less than \$50.00.