



# STAFF REPORT

**MEETING DATE:** October 27, 2020

**AGENDA ITEM:** 9B

**TITLE:**

Consider action to approve the first reading of Ordinance No. 2020-30, of the City Council of the City of Bastrop, Texas repealing and replacing Chapter 12 – Traffic and Vehicles, Article 12.12 – Golf Carts; and providing for findings of fact, adoption, repealer, severability, and enforcement; establishing an effective date; proper notice and meeting, and move to include on the November 10, 2020 consent agenda for a second reading.

**STAFF REPRESENTATIVE:**

Clint Nagy, Chief of Police

**BACKGROUND/HISTORY:**

The City of Bastrop and the City of Bastrop's Attorney's office was asked to review Article 12.12-Golf Carts to determine its current practicality. The purpose of replacing this article is to provide a convenient and safe means of travel within the city by golf carts. 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.

**POLICY EXPLANATION:**

Texas Transportation Code Section 551.4031 authorizes the governing body of a municipality to regulate and control the operation of golf carts within the city's legal boundaries and on its public streets to ensure the public safety of the community and Texas Local Government Code section 51.001 provides the City general authority to adopt an Ordinance or police regulations that is for the good of the government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

**FUNDING SOURCES:**

N/A

**RECOMMENDATION:**

Consider action to approve the first reading of Ordinance No. 2020-30, of the City Council of the City of Bastrop, Texas repealing and replacing Chapter 12 – Traffic and Vehicles, Article 12.12 – Golf Carts; and providing for findings of fact, adoption, repealer, severability, and enforcement; establishing an effective date; proper notice and meeting, and move to include on the November 10, 2020 consent agenda for a second reading.

**ATTACHMENTS:**

- Ordinance 2020-30
- Exhibit "B" Article 12.12 – Golf Carts (to be replaced)
- PowerPoint Presentation



**ORDINANCE NO. 2020-30**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS REPEALING AND REPLACING CHAPTER 12 – TRAFFIC AND VEHICLES, ARTICLE 12.12 - GOLF CARTS; AND PROVIDING FOR FINDINGS OF FACT, ADOPTION, REPEALER, SEVERABILITY, AND ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

- WHEREAS,** the City of Bastrop, Texas (“City”) is a Home-Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and
- WHEREAS,** the City Council of Bastrop, Texas has reviewed the Police Chief’s 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,** Texas Transportation Code Section 551.4031 authorizes the governing body of a municipality to regulate and control the operation of golf carts within the city’s legal boundaries and on its public streets to ensure the public safety of the community; 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 are 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,** Texas Local Government Code section 51.001 provides the City general authority to adopt an Ordinance or police regulations that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS,** the City Council finds it necessary to regulate golf carts in order to preserve health, property, good government, and order in a Home-Rule municipality as defined under Chapter 54 of Local Government Code.

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

**SECTION 1. FINDINGS OF FACT**

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

set forth herein.

## **SECTION 2. AMENDMENT**

Chapter 12, Article 12.12 of the City of Bastrop Code of Ordinances is hereby repealed and replaced , and after such replacement, shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

## **SECTION 3. REPEALER**

All ordinances, resolutions, 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.

## **SECTION 4. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

## **SECTION 5. ENFORCEMENT**

The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

## **SECTION 6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

## **SECTION 7. OPEN MEETINGS**

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.

**READ & ACKNOWLEDGED** on First Reading on the 27th day of October 2020.

**READ & APPROVED** on the Second Reading on the 10th day of November 2020.

**APPROVED:**

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Connie B. Schroeder, Mayor

**ATTEST:**

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Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney

**Bastrop Code of Ordinances**

**Chapter: 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 by golf carts. 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:

**Golf cart** as referenced hereafter, shall have the meaning assigned by the Transportation Code § Sec. 551.401, as it exists or may be amended, and includes a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. The term, as used herein, shall include a specific restriction that a permitted golf cart shall have an attainable top speed of not greater than 25 mph. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATVs, NEVs, four-wheelers, mules and gators.

**Golf cart registration permit** shall mean a privilege granted upon compliance with terms of this article to legally operate a golf cart upon a local street, public highway, or parking area within the corporate boundaries of the City of Bastrop for the term that the permit was issued.

**Golf cart registration permit decal** shall mean a certificate for attachment to a golf cart identifying the golf cart as permitted by the city and giving an expiration date.

**Operator** shall mean a person who drives or has physical control of a golf cart. An operator must carry a valid Texas Drivers' License.

**Owner** shall have the meaning assigned by the Transportation Code § 502.001 (31), and shall mean the person who has legal title to the golf cart, has the legal right of possession of the golf cart, or has the legal right of control of it.

**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.

**Public safety personnel** means any employee or officer of a governmental law enforcement agency or the city or its department(s).

**Public street** means the public roadways of the city by whatever name, e.g. road, alley, avenue, highway, route, boulevard, etc. within the corporate boundaries of Bastrop that: (1) Has a posted speed limit of thirty-five (35) miles per hour or less; and (2) Provides for no more than one (1) lane of vehicular traffic per direction.

**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.

**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 regulations.**

- (a) All operators of golf carts shall be licensed to operate a motor vehicle as provided by the Texas Transportation Code and shall carry a valid Texas drivers' license while operating the golf cart.
- (b) All operators of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using any public highway in the city. Operators shall not operate a golf cart on public sidewalks at any time.
- (c) Operators shall not operate golf carts upon a public street or highway with a posted speed limit of more than 35 mph unless otherwise restricted. Operators shall not operate a golf cart at a speed greater than 20 mph at any time in the city.
- (d) An operator of a golf cart is entitled to full use of a lane on the public highway and the operator of a motor vehicle shall not be operated in such a manner as to deprive any golf cart of the full use of a lane.
- (e) An operator of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (f) No operator shall operate a golf cart between lanes of traffic or between adjacent lines of rows of vehicles.
- (g) An operator of a golf cart shall move to the right and yield the right of way to faster moving vehicles.
- (h) The operator of a golf cart shall not operate a golf cart upon a public street or highway with a number of occupants that exceeds the seating capacity as designed by the manufacturer and all occupants shall remain seated in a seat designed to hold passengers while the golf cart is in motion.
- (i) The operator of a golf cart shall not allow any occupant of the golf cart to ride in the lap of the operator or any other occupant of the golf cart.
- (j) The operator of a golf cart shall not allow any children under the age of four years to ride in a golf cart at any time.
- (k) An operator shall not operate a golf cart upon a public street or highway before sunrise or after

sunset.

- (l) A person, owner or operator of a golf cart commits an offense if they operate a golf cart upon a public street or highway in violation of this section.

**Sec. 12.12.003 - Exceptions.**

- (a) Golf carts owned and/or operated for official government purposes by the City of Bastrop or any other governmental entity are exempt from regulation by this Code.
- (b) Golf carts may operate past sunset during official special events that are permitted by the City of Bastrop and only to and from the event to where the golf cart is normally stored.

**Sec. 12.12.004 – Required equipment regulations.**

- (a) Every golf cart operated within the City of Bastrop shall be equipped with the following equipment which shall be operational at all times: two headlights, two tail lamps, reflectors (two (2) front, amber in color and two (2) rear, red in color), parking brakes, rearview mirror(s) and a slow moving vehicle emblem clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet.
- (b) Every golf cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and shall comply with all state, federal and city regulations, specifically section Noise 8.03.006 (b) General Prohibitions and 8.03.006 (b)(1) Noisy vehicles of the City Ordinances.
- (c) Golf carts which have been altered to allow them to travel at speeds greater than 25 mph are prohibited.
- (d) An owner or operator of a golf cart commits an offense if they operate a golf cart upon a public street or highway that is not equipped as required by this section or is altered in violation of this section.

**Sec. 12.12.005 Registration permit.**

The owner of a golf cart must register said golf cart with and be provided a permit by the City of Bastrop Police Department before it may be operated on the city's streets and highways. The first-time registration fee is \$20.00 and bi-annual renewal is \$10.00 which covers administrative and inspection costs. The city registration permit process includes the following:

- (1) The applicant shall complete the city-supplied registration permit application which shall contain the:
  - a. Name and physical and mailing address of the applicant owner.
  - b. Location where the vehicle is regularly stored overnight.
  - c. Model, make and golf cart ID number.
  - d. Current driver's license information of owner.
  - e. A statement that the applicant has been furnished a copy of this article and that s/he agrees to comply with all conditions contained in this article and to any local, state or federal laws governing the use of golf carts.
  - f. Any other information that the city may reasonably require.

- (2) The registration permit application shall be:
- a. Accompanied by the permit fee of \$20.00 for first time applicants and \$10.00 for bi-annual renewals thereafter.
  - b. Accompanied by proof of financial responsibility consistent with the minimum requirements of the Texas Transportation Code for the operation of motor vehicles. A copy of the certificate of insurance shall be attached to the application.
  - c. Accompanied by a copy of the applicant's Texas Driver's license.
  - d. Signed by the applicant/owner.
  - e. Upon receipt of the completed application and permit fee, a member of the police department shall make arrangements to inspect the golf cart for adherence to this article.
  - f. When the inspector has approved the vehicle, the bi-annual permit decal shall be issued to the owner. The decal shall be immediately affixed to the front panel of the driver's side of the golf cart so as to be clearly visible.
  - g. The registration permit shall be effective for two years from the date of issuance or until such time as revoked for noncompliance or when the golf cart is transferred to a new owner.
  - h. Golf carts operating on a State-Hhighway shall have an affixed state license plate for golf carts.
- (3) An owner or operator of a golf cart commits an offense if they operate a golf cart upon a public street or highway without a registration permit issued by Bastrop Police Department.

**Sec. 12.12.006 - Revocation of the registration permit.**

The registration permit may be revoked if:

- (1) The owner or operator of the golf cart fails to abide by the rules and regulations of this article, including failure to maintain liability insurance.
- (2) The owner or operator of the golf cart fails to abide by the traffic laws and/or operates the cart in an unauthorized area, specifically including the use of a wireless communication device in a school zone during restricted school hours.

**Sec. 12.12.007 - Registration permit is not transferrable.**

The city registration permit is not transferable. Upon transfer of ownership to another person who intends to operate the golf cart in Bastrop, the new owner must register the golf cart in his/her name and pay the required permit fee as outlined in this article.

**Sec. 12.12.008- Liability.**

- (a) Nothing in this article shall be construed as an assumption of liability by the city for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart by an authorized operator; and
- (b) Owners are fully liable and accountable for the actions of any individual that they allow to operate and drive their golf cart.

**Sec. 12.12.009 - Criminal offense and penalties.**

Any person, firm, entity or corporation who violates any provision of this article, 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 \$500.00. Each continuing day's violation under this article shall constitute a separate offense. The penal provisions imposed under this article shall not preclude the city from filing suit to enjoin the violation. Bastrop retains all legal rights and remedies available to it pursuant to local, state, and federal law.

## 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:

*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* 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 twenty-five (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 twenty-five (25) miles per hour.

*Owner* means the person who has a property interest in or 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.

*Public safety personnel* means any employee or officer of a governmental law enforcement agency or the city or its department(s).

*Public street* means the public roadways of the city by whatever name, e.g. road, alley, avenue, highway, route, boulevard, etc. within the corporate boundaries of Bastrop that:

- (1) Has a posted speed limit of thirty-five (35) miles per hour or less;
- (2) Provides for no more than one (1) lane of vehicular traffic per direction;

*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.

*Traffic way* is any land way open to the public as a matter of right or custom for moving persons or property from one (1) place to another. The traffic way includes all property, both improved and unimproved, between the property lines of a roadway system.

(Ord. No. 2017-30, § 2(Att. A), 1-9-18)

## 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:
    - (A) Two (2) headlamps;
    - (B) Two (2) tail lamps;
    - (C) Side reflectors (two (2) front, amber in color and two (2) rear, red in color);
    - (D) Rearview mirror(s), capable of a clear, unobstructed view of at least two hundred (200) feet to the rear;
    - (E) Parking break; and
    - (F) 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 five hundred (500) feet and shall be mounted base down on the rear of the vehicle at a height from three (3) to five (5) feet above the road surface and shall be maintained in a clean reflective condition.

(Ord. No. [2017-30](#), § 2(Att. A), 1-9-18)

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 article;
  - (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 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 ten (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 \$20.00 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 article.
- (h) Registration permits/decal must include the dates and times the operation of the golf cart is allowed. A registration permit may not be valid for longer than seven (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/decal 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 article.
- (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.

(Ord. No. [2017-30](#), § 2(Att. A), 1-9-18)

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.

(Ord. No. [2017-30](#), § 2(Att. A), 1-9-18)

Sec. 12.12.005 - Liability.

- (a) Nothing in this article shall be construed as an assumption of liability by the city 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.

(Ord. No. [2017-30](#), § 2(Att. A), 1-9-18)

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.

(Ord. No. [2017-30](#), § 2(Att. A), 1-9-18)

Sec. 12.12.007 - Criminal offense.

Any person, firm, entity or corporation who violates any provision of this article, 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 \$500.00. Each continuing day's violation under this article shall constitute a separate offense. The penal provisions imposed under this article shall not preclude the city from filing suit to enjoin the violation. Bastrop retains all legal rights and remedies available to it pursuant to local, state, and federal law.

(Ord. No. [2017-30](#), § 2(Att. A), 1-9-18)

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.

(Ord. No. [2017-30](#), § 2(Att. A), 1-9-18)

# Bastrop Police Department

## Golf Carts

Clint Nagy, Chief of Police

October 27<sup>th</sup>, 2020

# Purpose

- Provide convenient and safe means of travel within the city by golf cart.
- Protect our citizens and visitors on our roadways.
- Public Safety is number one priority.



# Present Ordinance Review

- May operate a golf cart only during special events with approval from the City.
- Permit is valid for no more than 7 days.
- P.D. has never had a request to date.



# Present Transportation Code

- May operate golf carts in a master planned community or on a beach.
- May operate golf carts to and from a golf course within 2 miles of the golf carts storage.
- Sec. 551.404 allows municipalities to allow golf cart operation within the city limits and on roads not more than 35 MPH.



# Definitions

- Golf Cart is a vehicle designed to transport persons on a golf course.



# Definitions

- A golf cart is not an ATV, NEV (neighborhood electric vehicle), four-wheeler, mule or gator.



# Operational Regulations

- All operators shall be licensed to operate a motor vehicle and carry their license with them.
- All operators must abide by all traffic regulations.



# Operational Regulations

- Maximum speed is 20 MPH.
- Prohibited on roadways of more than 35 MPH.
- Golf carts are entitled to full use of a lane but shall move to the right and yield right of way to faster cars.



# Operational Regulations

- Lap riding is prohibited and passengers under 4 years of age is prohibited.
- Golf carts may not be operated after sunset and before sunrise.\*
- \*unless permitted special events and directly to and from the storage place of the golf cart.



# Operational Regulations

- Golf carts are prohibited from passing in the same lane that is occupied by a vehicle.
- Shall not be altered to travel faster than 25 MPH.



# Operational Regulations

- Gas powered golf carts must have proper exhaust.
- Golf carts are prohibited from operating between adjacent lines of vehicles.



# Required Equipment



Slow moving placard

# Registration with the City

- Police Department will inspect each golf cart.
- New permit fees are \$20 and bi-annual registration is \$10.
- Driver License and Liability Insurance is required.



# Registration with the City

- Each golf cart gets a registration sticker to be affixed to the front panel of the golf cart.
- Non- transferable.
- A golf cart license plate is required and can be obtained from the tax office.



# Criminal Offense and Penalties

- Each offense, upon guilt, shall be fined a sum not to exceed \$500.





**Application Form for Golf Cart Registration and Golf Cart Registration Renewal**

Vehicle Identification Number	Registration Number
<i>For Department Use</i>	

1. If this is a renewal (\$10 fee) and all information below is still correct and current, there is no need to complete the bottom portion of this form
2. If this is a NEW golf cart registration (\$20 fee), please fill out completely.

**Owner Information**

Last Name	First Name	Middle Initial
Street Address	City	State
Telephone Number	Drivers Licenses Number/State/Expiration	

**Vehicle Information**

Make of Golf Cart	Model Name	Year of Manufacture	Color
Cell Phone Number	Location where Cart is stored		
Name of Insurance Company	Policy Number	Phone Number of Company	

1. Please provide a copy of your Drivers License
2. Please provide a copy of your Motor Vehicle Insurance showing your Golf Cart as a covered vehicle.
3. Please read, print and sign the application and return it to the Bastrop Police Department at 104 Grady Tuck Lane, Bastrop. M-F 8:00 a.m. -5:00 p.m.

**Operational Regulations**

- The maximum speed limit of the public street on which the golf cart is being operated must be thirty-five (35) miles per hour or less;
- Golf Carts may not be operated above 20 miles per hour.
- The person operating the golf cart must have and possess a valid driver's license;
- The person operating the golf cart must maintain current financial responsibility for the golf cart as required of other passenger vehicles per the Texas Transportation Code;
- The golf cart must be equipped with headlights and taillights, reflectors, a parking brake, mirrors, and a slow-moving vehicle emblem; and
- The driver and every passenger in a golf cart must be seated in a seat designed to hold passengers while the golf cart is in motion. At no time may any person operate a golf cart while a person is standing in or on the vehicle or riding in the lap of the driver and/or other passenger of a golf cart.

All drivers of golf carts are required under state law to abide by all traffic regulations applicable to vehicular traffic when using it on the authorized streets and areas of the City. I attest that I have read and understand the Operational Regulations listed above and that the golf cart described has the required safety equipment installed and functioning properly.

Signature of Owner: \_\_\_\_\_

Registration Application

# Questions?

