

ORDINANCE NO. 631

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, ENTITLED "TRAFFIC AND VEHICLES" BY ADDING TO THAT CHAPTER 18 A NEW ARTICLE VIII ENTITLED "GOLF CARTS"; PROVIDING FOR THE OPERATION OF GOLF CARTS WITHIN THE CITY ON STREETS HAVING A MAXIMUM LAWFUL SPEED OF NO MORE THAN 30 MILES PER HOUR SUBJECT TO CERTAIN REQUIREMENTS AND RESTRICTIONS; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS, ORDINANCES, RESOLUTIONS, AND/OR INFORMAL POLICIES WHICH ARE IN ANY MANNER IN CONFLICT OR INCONSISTENT WITH THIS ORDINANCE; PROVIDING THAT A VIOLATION OF THIS ORDINANCE CONSTITUTES A MISDEMEANOR PUNISHABLE BY A FINE OF NOT TO EXCEED \$500.00; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1 Chapter 18 of the Code of Ordinances of the City of West Columbia entitled "Traffic and Vehicles", shall be and is hereby amended by the addition of Article VIII, which reads as follows:

Chapter 18

TRAFFIC AND VEHICLES

ARTICLE VIII. GOLF CARTS

DIVISION 1. GENERAL

Sec. 18-220 Applicability

The provisions of this article shall apply to all golf carts operated upon a public street or public cart path within the City of West Columbia except:

1. The operation of golf carts is not subject to the provisions of this article under the following circumstances:
 - a. the operation of golf carts at golf courses, private clubs or on private property, with the consent of the owner, or the operation of golf carts within gated or limited access communities unless the streets of

the community are dedicated for public use and maintained by the City, or the use of a golf cart in connection with a parade, a festival or other special event provided the consent of the sponsor is obtained and provided such vehicle is only used during such event

- b. The use of golf carts by the City of West Columbia on official police business or the use of golf carts by City personnel for official business on City owned property and City leased property.

Sec. 18-221 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

1. *Driver* means the person driving and having physical control over the golf cart.
2. *Golf cart* shall have the meaning assigned by the Texas Transportation Code Sec. 502.001(1)18 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.
3. *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 West Columbia during the year when granted.
4. *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.
5. *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.

6. *Owner* means the person holding title to the golf cart and the person required to register the golf cart with the City of West Columbia, Texas.
7. *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.
8. *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.
9. *Street* means a public roadway of the City of West Columbia, Texas by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that:
 - a. Has a posted speed limit of 30 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.

Sec. 18-221 Limited Operation Permitted

In addition to the operation of golf carts authorized by section 551.403 of the Texas Transportation Code, an operator may operate a golf cart on all or part of a public highway that:

1. Is in the corporate boundaries of the City of West Columbia; and
2. Has a posted speed limit of not more than 30 miles per hour.

Sec. 18-222 Golf Cart Required Equipment

Every golf cart required to be permitted under section 18-225 must be equipped, as mandated by the Texas Transportation Code, Section 551.404(b) and/or required by the City of West Columbia, with the following:

- a. Operational headlamps; (2 required)

- b. Operation tail lamps; (2 required)
- c. Side reflectors; (2 front; amber in color and 2 rear: red in color)
- d. Operational parking brake;
- e. Rearview mirror(s); (capable of a clear unobstructed view of at least 200 feet to the rear)
- f. Slow-Moving-Vehicle emblem; and
- g. Horn (must be audible for a distance of 200 feet in compliance with Texas Transportation Code, Section 547.501)

All equipment shall meet Texas and Federal Motor Vehicle Safety Standards.

Sec. 18-223 Operational Regulations

- (a) All drivers of golf carts shall hold a valid driver's license and shall abide by all traffic regulations applicable to vehicular traffic when using the streets and parking areas of the City.
- (b) Golf carts shall not be operated on any sidewalk, pedestrian walkway, jogging path, park trail or any location normally used for pedestrian traffic except for official police business or by West Columbia personnel conducting a required job function directly related to their assigned duties.
- (c) No person may operate a golf cart upon any portion of a street or traffic-way having a posted speed greater than 30 m.p.h.
- (d) All golf carts are entitled to a full use of a lane on the authorized streets and parking areas of the City and no golf cart shall be driven in such a manner as to deprive any golf cart of the full use of a lane.
- (e) The driver of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (f) No driver shall operate a golf cart between lanes of traffic or between adjacent lines or rows of vehicles.
- (g) The driver of a golf cart with a current and valid Texas driver's license operating the golf cart on a street (as defined herein) may cross a multi-lane or a federal, county or state route only 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.

- (h) 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. The operator and all occupants shall be seated upon the seat of the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is being operated. The operator shall not permit any occupant of the golf cart to ride in the lap of any occupant while the golf cart is in motion.
- (i) 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 6 years of age may be transported in a golf cart unless restrained by a safety belt restraint.
- (j) Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing or parking of golf carts in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or a passageway is prohibited. Golf carts shall not park within any space designated for disabled persons unless a current disabled parking placard is displayed and the person to whom the placard was issued is operating or being transported by the golf cart.
- (k) Golf carts may not be used for the purpose of towing another golf cart, trailer or vehicle of any kind including a person on roller skates, skateboard or bicycle. A person employed by a golf course may tow a cart(s) for the purpose relocating the golf cart(s) from one portion of a golf course to another portion of the same golf course.
- (l) 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 (500) feet.

Sec. 18-224 Liability

- (a) Nothing in this section shall be construed as an assumption of liability by

the City of West Columbia for any injuries to persons, pets or property which may result from the operation of a golf cart by an authorized driver.

- (b) Owners are fully liable and accountable for the actions of any individual that they provide permission to operate and drive said golf cart, both on personal and/or city and public properties. This described liability responsibility especially applies to personal injuries or property damage resulting from golf cart drivers who are minors under the age of 21 with or without a current and valid Texas driver's license.

Sec. 18-225 Permit Required

- (a) No person shall operate, cause to be operated, or allow the operation of a golf cart on a public roadway unless a valid permit has been issued for that 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 a public roadway 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 Chief of Police or his designee on a form designated for that purpose. On such application shall be set forth the following:
 1. The application shall include the name, address, telephone number and state driver's license number, if applicable, of the permit holder.
 2. The application shall include the street address where the golf cart is kept, including the particular suite or apartment number if applicable.
 3. The application shall include any business name used for the premises where the golf cart is kept.
 4. The application shall include year, make, model, color, vehicle identification number or serial number if no V.I.N. has been issued to the golf cart, electric or gasoline.
 5. The golf cart shall be inspected by a person(s) and at a location designated by the Chief of Police to ensure compliance with requirements of this ordinance before the issuance of a permit.

6. The permit shall be permanently affixed on the left side of the golf cart in such a manner that it is clearly visible from 50 feet. 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.
 7. The permit shall only be placed upon the golf cart for which it was issued.
 8. A permit issued to a golf cart shall become invalid if the golf cart is altered in any manner that fails to comply with any requirement of this ordinance.
- (c) Permits/Stickers are valid for a period of (2) two years. The following fees shall apply:
1. Inspection by Police department \$50.00 (includes Permit/Sticker)
 2. Re-inspection by Police Department \$25.00 (if a golf cart fails the initial inspection)
- (d) The permit holder shall notify the West Columbia 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 Chief of Police.
- (e) 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 Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary, before a replacement Permit/Sticker is issued.
- (f) Any person who operates a golf cart and fails to receive and properly display a City of West Columbia Permit/Sticker will be subject to all applicable state laws, in addition to being in violation of this article.
- (g) A permit may be revoked at any time by the Chief of Police or designee if there is evidence that the permit holder cannot safely operate a golf cart on the streets within the City of West Columbia or the golf cart fails to comply with the requirement of this article. For purposes of this section, the commission of any of the violations described in subsection 18-223 constitutes evidence that the permit holder cannot safely operate a golf cart on the street within the City of West Columbia.

Section 2

Any and all Code provisions, rules, ordinances, police regulations, resolutions, and/or informal policies of the City of West Columbia, whether written, or otherwise, which are in any manner in conflict with or inconsistent with this article, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

Section 3

It is hereby declared to be the intention of the City Council that the several provisions of this article are severable, and in any court of competent jurisdiction enters a final order which holds that any section, sub-section, sentence, clause, phrase, or other portion of this article is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provisions of this article which are not specifically designated as being illegal, invalid, or unenforceable.

Section 4

Failure to observe and obey the article adopted above shall constitute a misdemeanor, and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), constituting a separate offense.

Section 5

This article shall be effective January 1, 2015, and upon the publication of its caption as provided by law.

PASSED and APPROVED this the 10th day of November, 2014.


LAURIE B. KINCANNON, Mayor

A T T E S T:



KELLI R. KUBAN, City Secretary