

ORDINANCE # \_\_\_\_\_

AN ORDINANCE AMENDING THE TRAFFIC AND VEHICLE ORDINANCE  
OF THE CITY OF SMITHVILLE CODE OF ORDINANCES

**ARTICLE 12.1100 GOLF CART ON PUBLIC STREETS**

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 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.

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 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

## **Section 12.1101 Registration Permit**

Before any golf cart may be operated over the authorized streets and parking areas of the City, it must be registered and permit through the Police Department. Applicants 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. The golf cart shall be inspected by personnel designated by the Chief of Police. The permit shall be permanently affixed on the left side of the cart in such a manner that it is clearly visible. A registration permit will consist of a cost which covers the administrative costs of such registration, to include a registration permit decal. The fee shall be set by resolution of the City Council and kept on file with the City Secretary. Permits/Stickers are valid for a period of two years.

- 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 Smithville, 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 set by resolution.
  - 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 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 two years from the date of registration, or such time as revoked or the golf cart is transferred to a new owner.

## **Section 12.1102 Definitions**

- (1) Driver means the person driving and having physical control over the golf cart.
- (2) Transportation Code 521.001 (1a) Department means Department of Public Safety.
- (3) Transportation Code 521.001 (3) Driver's License means an authorization by the department for the operation of a motor vehicle.
- (4) Transportation Code 601.002 (3) Financial responsibility means the ability to respond to damages for liability for an accident (B) arises out of the ownership, maintenance, or use of a motor vehicle.
- (5) Transportation Code 502.001 (18) Golf Cart means a motor vehicle designed by the manufacturer primarily for use on a golf course.
- (6) Transportation Code 502.001 (25) Motor Vehicle means a vehicle that is self-propelled.

(7) Transportation Code 547.001 (7) Slow Moving Vehicle means a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less, not including an electric personal assistive mobility, device as defined by section 551.201

(8) Transportation Code 547.001 (8) Slow Moving Vehicle Emblem means a triangular emblem that conforms to standards and specifications adopted by the director under Section 547.104 and displayed in accordance with Section 547.703 of the Texas Transportation Code.

(9) 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 during the year when granted.

(10) 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 permit for such golf cart and showing the month and calendar year the permit shall expire.

(11) 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.

(12) Owner means the person holding title to the golf cart and the person required to register the golf cart with the City.

(13) Transportation Code 541.302 (5) Highway or street means the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.

(14) Street means a public roadway 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

(15) 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 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 ("ATV"), 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.

### **Section 12.1103 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.

### **Section 12.1104 Golf carts are not permitted**

Golf carts are not permitted on public streets where the posted speed limit exceeds 30 miles per hour.

### **Section 12.1105 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 ordinance.
- b) The owner or driver of a golf cart fails to abide by the traffic laws.
- c) The owner fails to maintain proof of financial responsibility during the entire permit registration period.

### **Section 12.1106 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 in this ordinance.

### **Section 12.1107 Operations regulations**

- a) All drivers must be licensed to operate a motor vehicle, and carry driver's license during the operation of the golf cart.
- b) All drivers of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using the golf cart on authorized streets and parking areas of the City.
- c) Golf carts shall not be operated on sidewalks at any time.
- d) Golf carts are prohibited from pulling trailers, boats, jet skis, other objects or people on public streets and right of ways.
- e) Driver and passenger shall
  - 1) Be limited to the seating capacity as designed by the manufacture.
  - 2) All drivers must be 18 years or older
  - 3) Drivers shall maintain financial responsibility as required for other passenger vehicles in the Texas Transportation Code.

### **Section 12.1108 Penalties**

Any person who violates this ordinance shall be penalized as follows:

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 this ordinance shall be punishable by a fine in accordance with Article 1.109 of the City Code of Ordinances for each offense. Each day the violation continues shall constitute a separate offense.

### **Section 12.1109 Operation of golf carts**

All motorized golf carts shall be allowed operation only on public streets with a speed limit of 30 mph or less.

All motorized golf carts are entitled to full use of a lane on the authorized streets and parking areas of the City and no motor vehicle shall be driven in such a manner as to deprive any motor vehicle of the full use of a lane.

The driver of a motorized golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

No driver shall operate a motorized golf cart between lanes of traffic or between adjacent lines or rows of vehicles.

The driver of a motorized golf cart may cross a multi-lane or a federal, county or state route only at an intersection.

Children must be properly seated while a cart is in motion and may not be transported in a reckless or negligent manner. The number of occupants in a golf cart shall be limited to the number of persons whom factory seating is installed and provided on the golf cart.

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 City of Smithville personnel conducting a required job junction directly related to their assigned duties.

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 impede 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 cart.

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.

Golf carts shall not be operated after dark unless the cart has lights and reflectors.

### **Section 12.1110 Equipment required**

All required equipment shall meet Texas and Federal Motor Vehicle Safety Standards:

- Operational headlamps;(2 required)
  - Operational tail lamps; (2 required)
  - Side reflectors; (2 front: amber in color and 2 rear: red in color)
  - Operational parking brake; and
  - Rearview mirror(s); (capable of a clear unobstructed view of at least 200 feet to the rear)
  - Slow-Moving-Vehicle Emblem (the emblem must be mounted to the rear with the base no lower than 3 feet nor the top higher than 5 feet. The emblem must be clearly visible to the rear). Slow-Moving-Vehicle-Emblem means a triangular emblem that conforms to standards and specifications adopted by the director under Section 547.104 and displayed in accordance with Section 547.703 of the Texas Transportation Code.
- Electric Horn permanently mounted and activated by a horn button (must be audible for a distance of 200 feet)

Passed and Approved this 15<sup>th</sup> day of May, 2017.

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Scott Saunders, Jr., Mayor

Attest:

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Brenda C. Page, City Secretary

## CITY OF SMITHVILLE

### ACKNOWLEDGEMENT OF RESPONSIBILITY

#### CART SAFETY FACT SHEET

Golf Carts are a popular and efficient means of transportation on the city streets and are employed by various departments. Golf carts are involved in a number of accidents each year, resulting in property damage, personal injury and death. To prevent accidents all person/owners who may operate golf carts on city streets must read and acknowledge sheet of operating a cart before using the vehicles. This training includes the proper procedures for operating and maintaining the carts.

#### OPERATING A CART

- Drivers and passengers must remain seated while the vehicle is moving.
- Allow only authorized persons to drive the carts.
- Never exceed the number of available seats for the number of passengers.
- Only allow towing by those golf carts originally designed for towing.
- Slow down at all intersections.
- Reduce speed when approaching pedestrians, who always have the right of way.
- Use the safety mirror at each intersection to ensure pedestrian safety.
- Reduce speed when turning or passing through doorways.
- Do not park carts where they will block emergency equipment, pedestrian aisles, doorways, intersections, or the normal traffic flow.
- The maximum speed of a golf cart depends upon the terrain over which it is being driven, the weather conditions, and the total weight of the golf cart, passengers and any equipment being carried.
- A golf cart should be operated at a speed equivalent to a well-paced walk but no faster than 10 mph.
- Observe all vehicle traffic laws such as lane travel, stop signs, legal passing of other vehicles, etc.
- Drive on streets or roadways whenever possible.
- Only drive on sidewalks when streets and/or parking lots are not available, and then only to the nearest adjacent street or parking lot.
- All passengers should keep hands, arms, legs and feet within the confines of the golf cart at all times when the cart is in motion.
- When the golf cart is not in use for a long period of time, such as overnight, leave it in a secure area and/or secure it with a cable and lock or other equivalent locking mechanism.
- Never leave the keys in the golf cart when unattended.
- Never back up without looking to see what is behind the cart.
- When driving, maintain adequate distance between vehicles.
- Moving slow vehicle triangle on rear of cart.

**MAINTAINING A CART**

- Inspect each golf cart daily before use. If the golf cart is in need of repairs or maintenance, the vehicle should be taken out of service. Report any maintenance needs to a supervisor immediately.
- Check tires for proper inflation, cuts, or punctures.
- Check that steering is normal.
- Check that forward and reverse gears are operational.
- Check brakes for proper operation.
- Check for any indication of battery fluid leaks such as wet spots under the vehicle.
- Recharge the cart in the designated charging area, parking close to a fire extinguisher.
- Do not recharge near an open flame or source of ignition and do not smoke in recharge station.
- Only an approved battery charger should be used to recharge the batteries (designed to shut off automatically when the batteries are fully charged.)
- Pour baking soda on all spilled battery acid before cleaning up the spill.
- Wash skin thoroughly with cold water if skin is exposed to battery acid.
- Disconnect all battery charger cords before using the golf cart.
- Remember to practice safety, don't learn it by accident.

**ACKNOWLEDGEMENT OF RESPONSIBILITY TO OPERATE GOLF CART**

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- I have viewed the Cart Safety Training Fact Sheet.
- I agree to follow the principles outlined in the Fact Sheet.
- I agree to only begin regular operation of any cart on Smithville City streets and alleys.
- I agree to report any accident involving property damage or personal injury to the City Police Department.
- I understand that any violation of the above guidelines and procedures could result in revocation of vehicle operating privileges and further administration action by the City of Smithville.

**GOLF CART OPERATOR:**

\_\_\_\_\_

Print Name

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

AREA FOR OFFICE USE ONLY

PERMIT FEE \$100.00 - NEW/RENEWAL DATE

ISSUED: \_\_\_\_\_

EXPIRATION DATE: \_\_\_\_\_

LICENSE TAG NUMBER: \_\_\_\_\_

PAYMENT TYPE: CASH \_\_\_\_\_ CHECK# \_\_\_\_\_ CREDIT CARD \_\_\_\_\_

NAME: \_\_\_\_\_

LAST

FIRST

MIDDLE

ADDRESS: \_\_\_\_\_

NUMBER/STREET

CITY

STATE/ZIP

ADDRESS WHERE GOLF CART IS HOUSED: \_\_\_\_\_

NUMBER/STREET

CITY

STATE/ZIP

PHONE NUMBERS: \_\_\_\_\_

HOME

WORK

CELL

DRIVER'S LICENSE: \_\_\_\_\_

\*COPY REQUIRED\* NUMBER

STATE

INSURANCE: \_\_\_\_\_

\*COPY REQUIRED\* COMPANY & PHONE NUMBER

POLICY NUMBER

MAKE/MANUFACTURER: \_\_\_\_\_ MODEL/YEAR: \_\_\_\_\_

VIN/SERIAL NUMBER: \_\_\_\_\_ NUMBER OF SEATS: \_\_\_\_\_ COLOR: \_\_\_\_\_

I, the undersigned application for a golf cart license, swear or affirm that I have received a copy of the City Code. I understand that the authority to operate a golf cart within the City is a revocable privilege granted only upon compliance with the terms of the City Code to legally operate a golf cart within the corporate boundaries of the City during the year when granted. I understand that my failure to operate a golf cart in accordance with the City code may result in criminal and/or civil liability including fine, vehicle impoundment, and/or revocation of my license/privilege to operate a golf cart within the City. I, understand that as the owner and/operator of a golf cart that is operated within the City that I have certain duties and obligations that are enumerated within the City code. I fully understand my duties and obligations and agree to abide by those duties and obligations for the duration of the license period. I swear or affirm that the golf cart(s) that I wish to license with the City meets(s) or exceeds(s) all safety standards and is (are) properly equipped as enumerated by the City Code; specifically said golf cart(s) is (are) outfitted with the following safety equipment and that all safety equipment is fully operational: **\*Head Lamps\*Tail Lamps\*Reflectors\*Parking Brakes\*Seatbelts(optional)\*Rearview Mirror\*Slow Moving Vehicle Emblem.** I furthermore swear or affirm that said golf cart(s) are insured or bonded in accordance with Texas State laws governing minimum insurance/financial responsibility laws for motor vehicles. In this application, I do swear or affirm that all the facts and statements contained herein are true and correct and I understand that any falsification or misrepresentation may be subject to civil or criminal penalties and/or revocation of my golf cart.

PRINT NAME

SIGNATURE

DATE

All Safety equipment is fully operational. Verification completed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

by \_\_\_\_\_ of the Smithville Police Dept.

COMPLETE THE GOLF CART APPLICATION.

STOP BY CITY HALL TO PAY PERMIT FEES. (There is a processing fee for all credit/debit cards)

PROVIDE SMITHVILLE POLICE DEPT. WITH YOUR PAYMENT RECEIPT ALONG WITH YOUR COMPLETED APPLICATION & SCHEDULE AN INSPECTION TO OBTAIN THE GOLF CART PERMIT.

PLACE PERMIT ON DRIVERS SIDE OF CART, NEXT TO THE DRIVERS SEAT.