

## ORDINANCE 2009-161

### AN ORDINANCE ADOPTING REGULATIONS FOR THE OPERATION OF GOLF CARTS AND OTHER SLOW MOVING VEHICLES AS STATED IN THE STATE OF TEXAS TRANSPORTATION CODE AND TO INCLUDE ADDITIONAL CITY OF MAGNOLIA REQUIREMENTS DEEMED NECESSARY TO PROMOTE THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC.

**WHEREAS**, it is the desire of the City Council of the City of Magnolia to adopt golf cart and other slow moving vehicle regulations in the interest of public safety; and

**WHEREAS**, "golf carts" shall be defined pursuant to Section 502.001 of the Texas Transportation Code as a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course; and

**WHEREAS**, the following regulations and requirements shall apply to all golf carts and other slow moving vehicles operating on public streets and right of ways in the City of Magnolia.

- a. Golf carts shall be required to have the following minimum equipment: headlamps, tail lamps, reflectors, parking brake, mirrors, and a slow moving vehicle sign that has a reflective surface designed to be clearly visible in daylight or at night from the light of standard automobile 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 and are subject to all traffic laws in the Transportation Code within the confines of the above mentioned equipment.
- b. Each operator of a golf cart or other slow moving vehicle shall maintain financial responsibility as required of other passenger vehicles in the Texas Transportation Code Section 601.051.
- c. Each operator of a golf cart shall possess a valid driver's license, as required of other operators of passenger vehicles in the Texas Transportation Code Section 521.083.
- d. Passengers shall be limited to seating capacity as designed by the manufacturer.
- e. Golf carts shall not be operated on City sidewalks or pathways, or posted, or private property (without express permission of the property owner).
- f. **Golf carts shall not be operated on any other highway/road with speed limits greater than 35 miles per hour.**
- g. Golf carts shall yield the right of way to other passenger vehicles by turning off the roadway at the next available road when a vehicle is following.
- h. Design altered golf carts that have been altered to allow them to travel at a speed greater than 25 miles per hour are prohibited from operating on all public streets.
- i. Golf carts are prohibited from pulling trailers, boats, jet skis, etc on public streets and right of ways.
- j. There shall be exception to the above referenced requirements for golf carts, as provided by Section 502.0071 of the Texas Transportation Code, if their operation occurs during the daytime and the operation: (1) does not exceed a distance of two miles from point of origin to the destination if driven to and from a golf course; (2)

occurs entirely within a master planned community with a uniform set of restrictive covenants that has a plat approved by the City; or (3) occurs on a public or private beach.

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

That the above listed regulations and requirements for golf carts and other slow moving vehicles be adopted.

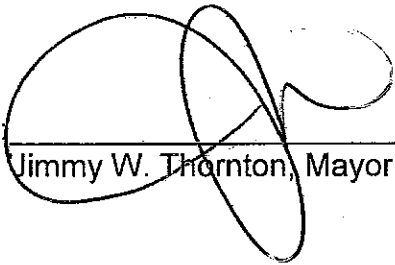
Section 1. BE IT FURTHER ORDAINED BY the City Council of the City of Magnolia that all ordinances or parts of ordinances in conflict with provisions of this ordinance, the Texas Transportation Code or any other state or federal laws regarding golf carts or other slow moving vehicles are hereby repealed to the extent of such conflict.

Section 2. Any person, firm, corporation, or other entity that violates the terms of the above referenced regulations and requirements, or other terms of this ordinance shall be deemed guilty of a misdemeanor punishable by a fine not to exceed ~~\$2000.00~~ <sup>\$200.00</sup>.

Section 3. BE IT FURTHER ORDAINED that this ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND APPROVED on this 10 day of November, 2009.

By



Jimmy W. Thornton, Mayor

ATTEST:

By:   
Debra Brent City Secretary

APPROVED AS TO FORM:

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City Attorney