

## **ORDINANCE NO. 07.15.24b**

**AN ORDINANCE OF THE CITY OF HEREFORD, TEXAS AMENDING CHAPTER 12, “TRAFFIC AND VEHICLES”, CITY OF HEREFORD CODE OF ORDINANCES, SPECIFYING RESTRICTIONS AND PROHIBITIONS OF USE OF GOLF CARTS; PROVIDING DEFINITIONS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Legislature has granted municipalities the authority to regulate the use of golf carts upon public streets and roads within a Municipality through passage of Texas Transportation Code, Title 7, Chapter 551; and

**WHEREAS**, the City Commission of Hereford, Texas has determined that it is in the best interest for the safety of the citizens of Hereford, Texas, and to ensure public safety to have certain regulations regarding golf carts.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HEREFORD, TEXAS:**

SECTION 1. Chapter 12, “Traffic and Vehicles” of the City of Hereford Code of Ordinances is hereby amended by adding the following Article:

### **ARTICLE 12.09. GOLF CARTS**

#### **§12.09.001. Definitions.**

Driver shall have the meaning assigned by Section 12.01.001 of the City of Hereford Code of Ordinances.

Driver’s license means an authorization, including temporary licenses or instruction permits and occupational licenses, issued by a state for the operation of a motor vehicle.

Golf cart shall have the meaning assigned by Texas Transportation Code section 551.401.

Owner shall have the meaning assigned by Section 12.01.001 of the City of Hereford Code of Ordinances.

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, as used in this Article, means the public roadways within the corporate boundaries

of the City of Hereford, by whatever name ( e.g., road, alley, avenue, highway, route, boulevard, etc.), that:

- (a) Have a speed limit of 30 miles per hour or less;
- (b) Provide for no more than one lane of vehicular traffic per direction; and
- (c) Are not designated as part of either the state or federal highway system.

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 state department of transportation under Texas Transportation Code section §547.104 and is displayed in accordance with Texas Transportation Code section §547.703.

Traffic way means 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.

#### **§12.09.002. General Requirements.**

A person may not operate a golf cart on a public street, parking area and/or traffic way unless the following requirements are met:

- (a) The maximum speed limit on the public street is 30 miles per hour or less;
- (b) The driver has a valid driver's license;
- (c) The owner maintains current financial responsibility for the golf cart, as required of other passenger vehicles in the Texas Transportation Code, Title 7, Chapter 601 et seq.;
- (d) The driver complies with all applicable federal, state and local laws and ordinances;
- (e) While the golf cart is in motion, the driver and every passenger in the golf cart is seated in a seat designed to hold passengers; and
- (f) The golf cart has the following equipment, which must continuously remain in good working and operational order:
  - (1) Two headlamps;
  - (2) Two taillamps;
  - (3) Side reflectors (two front, amber in color and two rear, red in color);
  - (4) Parking brake;
  - (5) Rearview mirror(s) capable of a clear, unobstructed view of at least 200 feet to the rear; and
  - (6) A slow-moving vehicle emblem.

#### **§12.06.003. Operational regulations.**

- (a) 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.

- (b) All golf carts are entitled to use of a full lane on the authorized public streets, parking areas and traffic ways of the city, and no motor vehicle shall be driven in such a manner as to deprive any golf cart of the full use of a lane.
- (c) The driver of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (d) No driver shall operate a golf cart between lanes of traffic or between adjacent lines or rows of vehicles.
- (e) The driver of a golf cart operating the golf cart on a public street may only cross a multi-lane federal, county or state route 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.
- (f) 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.
- (g) 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 six years of age may be transported in a golf cart unless restrained by a safety belt restraint.
- (h) Golf carts may not be used for the purpose of towing another golf cart, trailer, or vehicle of any kind, including, without limitation, a person on roller skates, a skateboard or a bicycle. A person employed by a golf course may tow a golf cart(s) for the purpose of relocating the cart(s) from one portion of a golf course to another portion of the same golf course.
- (i) Golf carts shall not be operated at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet.

#### **§12.06.004. Violations.**

Any person found guilty under the terms of this division, in addition to any traffic violation they may have committed or traffic fines they may be subject to, shall be fined no more than \$500.00; provided that each occurrence, violation, and/or conviction constitutes a separate offense under the terms of §1.01.009 General penalty for violations of code; continuing violations.

#### **§12.06.005. Exceptions for 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.

SECTION 2. Severability. It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 3. Effective Date. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Hereford, Texas.