

ORDINANCE NO. 10116A

AN ORDINANCE OF THE CITY OF HONEY GROVE, TEXAS, PROVIDING RULES AND REGULATIONS FOR THE OPERATION OF GOLF CARTS AND UTILITY VEHICLES WITHIN THE CITY LIMITS; PROVIDING THAT CULPABLE MENTAL STATE IS NOT REQUIRED FOR COMMITTING AN OFFENSE; PROVIDING A REQUIREMENT FOR FINANCIAL RESPONSIBILITY; PROVIDING EXCEPTIONS TO THE ORDINANCE; PROVIDING A PENALTY FOR VIOLATION OF THE ORDINANCE OF UP TO \$200.00 PER VIOLATION; LISTING VIOLATIONS FOR ALL-TERRAIN VEHICLES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Honey Grove, Texas, ("City") finds that the operation of golf carts and utility vehicles present unique dangers to the operators of the golf carts and utility vehicles and to the general public; and

WHEREAS, in order to ensure the health, safety, and welfare of the public, the City must adopt regulations of the operation of golf carts and utility vehicles on the City's public rights of way; and

WHEREAS, the Texas Transportation Code Chapter 551 regulates the operation of golf carts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONEY GROVE, TEXAS:

SECTION 1. FINDINGS. The recitals above are hereby found to be true and correct and are hereby adopted by the City Council and made part hereof for all purposes as finding of fact.

SECTION 2. Definitions. As used in this ordinance, the following terms shall have the meanings respectively ascribed to them in this section:

- (a) All-terrain vehicle: A self-propelled vehicle that is (i) equipped with a seat or seats for use of the rider and a passenger, if designed to transport a passenger; (ii) designed to propel itself with three or more tires in contact with the ground; (iii) designed by the manufacturer for use off a public highway; (iv) not designed by the manufacturer primarily for farming or lawn care; and (v) not more than 50 inches wide.
- (b) Daytime: The period beginning one-half hour before sunrise and ending one-half hour after sunset.
- (c) Golf cart: A motor vehicle designed by the manufacturer primarily for use on a golf course.
- (d) Public highway: Any road, street, way, thoroughfare, right-of-way, or bridge within the corporate limits of the City that is used for vehicles, that is not privately owned or controlled, and over which the City, the County of Fannin, the State of Texas, or the United States government has jurisdiction.
- (e) Utility vehicle means a self propelled vehicle that is not a golf cart or lawn mower and is:
 - (i) equipped with side-by-side seating for the use of the operator and a passenger;
 - (ii) designed to propel itself with at least four tires in contact with the ground;
 - (iii) designed by

the manufacturer for use off a public highway; and (iv) designed by the manufacturer primarily for utility work and not for recreational purposes.

- (f) **Vehicle:** A device in or by which a person or property is or may be transported or drawn on a public highway, other than a device used exclusively on stationary rails or tracks

SECTION 3. Golf Cart or Utility Vehicle Operation.

- (a) An operator may operate a golf cart as provided in Texas Transportation Code Section 551.403(a)(1) or (2).
- (b) An operator may operate a golf cart on a public highway for which the posted speed limit is not more than thirty-five (35) miles per hour if the golf cart is operated during the daytime and not more than two (2) miles from the location where the golf cart is usually parked and transportation to or from a golf course.
- (c) An operator may operate a utility vehicle on a public highway for which the posted speed limit is not more than thirty-five (35) miles per hour if the utility vehicle is operated during the daytime and authorized for use on public streets by state law.
- (d) A golf cart may cross a street or highway with a speed limit of more than thirty-five (35) miles per hour if said crossing occurs at an intersection and said crossing is perpendicular to the public highway with a posted speed limit of more than thirty-five (35) miles per hour.
- (e) A utility vehicle may cross a street or highway with a speed limit of more than thirty-five (35) miles per hour if said crossing occurs at an intersection and said crossing is perpendicular to the public highway with a posted speed limit of more than thirty-five (35) miles per hour.
- (f) Golf carts and utility vehicles must move to the right and yield the right-of-way to faster moving vehicles.
- (g) Golf carts or utility vehicles may not be operated upon any public sidewalk, pedestrian walkway, playground, public park, school ground, or other public recreational areas, not designated for motor vehicle traffic.
- (h) The driver and every occupant of a golf cart or utility vehicle must remain seated in a seat designed to hold passengers, while the golf cart or utility vehicles is in motion.
- (i) No person may ride in the lap of the driver or any other occupant.
- (j) Golf carts or utility vehicles are prohibited from pulling trailers, boats, jet skis, other objects or people on public highways.

SECTION 4. Requirements for Operation.

- (a) A golf cart operator or utility vehicle operator shall hold a valid driver's license or other permit for operation authorized by the City.

- (b) A golf cart operator or utility vehicle operator shall maintain proof of financial responsibility for the golf cart or utility vehicle.
- (c) A golf cart or utility vehicle operated on a public highway shall be equipped with the following:
 - (i) Operational headlamps;
 - (ii) Operational tail lamps;
 - (iii) Side reflectors;
 - (iv) Slow moving vehicle emblem;
 - (v) Operational parking brake; and
 - (vi) Rearview mirrors.
- (d) A golf cart operator or utility vehicle operator shall operate in accordance with all laws and rules of the road enumerated in the Texas Transportation Code and ordinances of the City for the operation of a passenger vehicle, except for those rules and laws specifically excluded or limited by a City ordinance.

SECTION 5. Exemptions. The following are exempt from the requirements of Section 4 of this ordinance:

- (a) Golf carts or utility vehicles operated by the City or for City sponsored events.
- (b) A law enforcement officer operating within the course and scope of his duties.
- (c) Golf carts or utility vehicles operated by the Honey Grove Independent School District for its sponsored events.
- (d) Golf carts or utility vehicles operated while evacuating persons during a declared emergency and for seventy-two (72) hours after the emergency.
- (e) Golf carts operated by members of a golf team sponsored by a school within the Honey Grove Independent School District who:
 - (i) Are at least 14 years old;
 - (ii) Provide evidence that the golf cart operator is a member of a school sponsored golf team; and
 - (iii) Operate the golf cart during a school sanctioned event or practice.

SECTION 6. Proof of Financial Responsibility. A person may demonstrate financial responsibility for operation of a golf cart or utility vehicle through:

- (a) a motor vehicle liability insurance policy with the following minimum coverage amounts:

- (i) \$15,000 for bodily injury to or death of one person in one accident;
 - (ii) \$30,000 for bodily injury to or death of two or more persons in one accident, subject to the amount provided by Section 6(a)(i) for bodily injury to or death of one of the persons; and
 - (iii) \$10,000 for damage to or destruction of property of others in one accident.
- (b) The coverage required under this ordinance may exclude, with respect to one accident:
- (i) The first \$250 of liability for bodily injury to or death of one person;
 - (ii) The first \$500 of liability for bodily injury to or death of two or more persons in one accident, subject to the amount provided by Section 6(b)(i) for bodily injury to or death of one of the persons; and
 - (iii) The first \$250 of liability for damage to or destruction of property of others.

SECTION 7. All-terrain Vehicles Prohibited. Texas Transportation Code Sec. 663.037 prohibits the operation of All-terrain vehicles in certain locations. Any violations related to Section 7 of this ordinance shall be considered violations pursuant to Texas Transportation Code Sec. 663.037. Without limitation as to the provisions of Texas Transportation Code Sec. 663.037, the City provides for illustration purposes certain prohibitions in Texas Transportation Code Sec. 663.037:

- (a) A person may not operate an All-terrain vehicle on a public street, road, or highway, except as provided by Texas Transportation Code Sec. 663.037.
- (b) This section does not apply to the operation of an All-terrain vehicle that is owned by the City, county, or state who is an authorized operator of the All-terrain vehicle.
- (c) A peace officer may operate an All-terrain vehicle on a public street, road, or highway that is not an interstate or limited-access highway as provided by Texas Transportation Code Sec. 663.037(g).
- (d) All other provisions of Texas Transportation Code Sec. 663.037 as applied to the operation of an All-terrain vehicle shall remain in full force and effect within the City.

SECTION 8. Penalty and Culpability.

- (a) A violation of any provision of this ordinance, except Section 7, shall be deemed to be a misdemeanor and, upon conviction, such violation shall be punishable by a fine in an amount not to exceed \$200.00. Each day of violation shall constitute a separate offense.
- (b) Neither allegation nor evidence of culpable mental state is required for the proof of an offense defined by this ordinance.
- (c) A violation of Section 7 of this ordinance shall be punishable as provided by the applicable provisions of the Texas Transportation Code.

SECTION 9. Severability. It is hereby declared 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 shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and section of this ordinance, because the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 10. Effective Date. This ordinance shall become effective immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code and the City Charter.

SECTION 11. Open Meeting. It is hereby officially found and determined that the meeting in which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, and Texas Government Code.


SECTION 12. Repealer. All ordinances and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith

APPROVED this 11th day of October, 2016.



Mayor Claude Caffee

ATTEST:



City Secretary Jaci Garner