

ORDINANCE NO. 815

“Golf Carts”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, AMENDING CHAPTER 36 (TRAFFIC AND VEHICLES) OF THE CITY OF GRANITE SHOALS CODE OF ORDINANCES TO REPEAL AND REPLACE ARTICLE III, REGULATING THE OPERATION OF GOLF CARTS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Granite Shoals, Texas (“Council”) seeks to provide for the health, safety and welfare of the citizens generally and to foster a sense of civic pride;

WHEREAS, Texas Transportation Code section 551.404 authorizes the governing body of a municipality to regulate and control the operation of golf carts within the City’s corporate boundaries and on its public streets;

WHEREAS, the City Council adopted Ordinance #643 in June of 2014 finding that operation of a motorized golf cart in a manner inconsistent with the standards and requirements set forth in this chapter poses a risk to the safety of the citizens of Granite Shoals;

WHEREAS, the City Council finds it necessary in the interest of safety to update the regulations as established by Ordinance #643, with several modifications to better regulate and control the operation of golf carts within the City’s corporate boundaries and on its public streets.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS, THAT:

**SECTION I.
FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION II.
GOLF CARTS**

Chapter 36 (Traffic and Vehicles), of the City of Granite Shoals Code of Ordinances Article III (Golf Carts) Section 36-40 to Section 36-46 is repealed and replaced with the verbiage of Exhibit ‘A’ attached.

**SECTION III.
SAVINGS**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

**SECTION IV.
SEVERABILITY**

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

**SECTION V.
REPEALER**

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

**SECTION VI.
EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**SECTION VII.
NOTICE AND MEETING**

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


Passed and approved this 24th day of August, 2021.

APPROVED:



Will Skinner, Mayor

ATTEST:



Elaine Simpson, City Secretary

APPROVED AS TO FORM:

Josh Katz, City Attorney



ARTICLE III. GOLF CARTS

“Sec. 36-40 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 Granite Shoals, 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 Granite Shoals on official police business or the use of golf carts by city personnel for official business on city-owned property and city-leased property.

(Ordinance 643, sec. II, adopted 6/10/14)

Sec. 36-41 Definitions.

The following words, terms, and phrases, when used in this article, shall be defined as follows:

Cart path an improved path designed for the sole movement of a golf cart. A cart path shall be designed and constructed as designated by the city engineer.

Driver the person driving and having physical control over the golf cart.

Driver's license an authorization issued by a state for the operation of a motor vehicle. The term includes: (1) a temporary driver's license or instruction permit; and (2) an occupational driver's license.

Golf cart an electric or gasoline powered motor vehicle designed by the manufacturer primarily for use on a golf course and having a minimum of four wheels and an attainable top speed not greater than 30 miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles. The term golf cart does not include those motorized conveyances commonly referred to as Utility Terrain Vehicles (UTVs), All-Terrain Vehicles (ATVs,) four-wheelers, “mules and/or gators”, “side-by-sides” and/or any vehicle designed exclusively for off-road use. Golf carts must have and display valid registration(s) and/or license plate(s) or other information as required by State Law.

Owner the person holding title to the golf cart.

Multi-Lane Highway: a roadway with more than one lane going in each direction.

Parking area 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 cart path an improved path designed for the sole movement of a golf cart that is available for use by the general public.

Sidewalk 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 under the Texas Transportation Code.

Street means a public roadway of the City of Granite Shoals by whatever name, including but not limited to, a road, alley, avenue, highway, route, or boulevard, that has (a) a posted speed limit of 35 miles per hour or less; (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.

Trafficway 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 trafficway includes all property, both improved and unimproved, between the property lines of a roadway system.

(Ordinance 643, sec. II, adopted 6/10/14)

Sec. 36-42 Required equipment for electric and gasoline golf carts.

(a) Every golf cart operated on a public roadway must be equipped with the following:

- (1) Operational headlamps (two required) if driven at night.
- (2) Operational tail lamps (two required);
 - a. Side reflectors (two front reflectors that are amber in color and two rear reflectors that must be red in color);
 - b. Operational parking brake;
 - c. Rearview mirror(s) capable of providing a clear, unobstructed view of at least 200 feet to the rear;
 - d. Slow-moving-vehicle emblem;
 - e. Horn (must be audible for a distance of 200 feet in compliance with V.T.C.A. Transportation Code sec. 547.501); and
 - f. Proof of current liability insurance.

(3) All required equipment shall meet Texas and Federal Motor Vehicle Safety Standards.

(Ordinance 643, sec. II, adopted 6/10/14)

Sec. 36-43 Gasoline carts.

(a) Every golf cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and in constant operation and meeting the following specifications:

- (1) The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler and exhaust pipes including any and all parts specified by the manufacturer.
- (2) The exhaust system and its elements shall be securely fastened with brackets or hangers, which are designed for the particular purpose of fastening golf cart exhaust systems.
- (3) The engine and powered mechanism of every gasoline-powered golf cart shall be so equipped, adjusted, and tuned so that the exhaust is in good working order.

(4) It shall be unlawful for the owner of any gasoline-powered golf cart to operate or permit the operation of a gasoline-powered golf cart on which any manufacturer-installed device controlling or abating atmospheric emissions has been rendered unserviceable by removal, alteration, or other action that interferes with device's normal operation.

(Ordinance 643, sec. II, adopted 6/10/14)

Sec. 36-44 Operational regulations.

(a) All drivers of golf carts shall be of at least 16 years old and hold a valid driver's license and shall abide by all traffic regulations applicable to vehicular traffic when using the authorized 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 other location normally used for pedestrian traffic except for official police business or by Granite Shoals 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 trafficway having a posted speed greater than 35 miles per hour.

(d) Golf carts operated under this article are entitled to a 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 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 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.

(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 cart to ride in the lap of any occupant while the cart is in motion.

(i) Children must be properly seated while a 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.

(j) Golf carts may only be parked in the same manner and in the same places designated for the parking of motor vehicles. The stopping, standing, or parking of golf carts in an area 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 cart.

(k) Golf carts may not be used for the purpose of towing another cart, trailer, or vehicle of any kind including a person on roller skates, skateboard, or bicycle.

(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 500 feet.

(m) Proof of current liability insurance shall be maintained on vehicle and a copy of said policy shall be carried on board at all times.

(n) Nothing in the provisions of this article shall be construed to relieve the operator of a golf cart from the duty to comply with all other applicable state and local regulations relating to the operation of a golf cart on a public road.

(Ordinance 643, sec. II, adopted 6/10/14)

Sec. 36-45 Liability.

Nothing in this section shall be construed as an assumption of liability by the City of Granite Shoals for any injuries to persons, pets, or property, which may result from the operation of a golf cart by a driver.

Owners are fully liable and accountable for the actions of any individual that they provide permission to operate and drive said motorized cart, both on personal and/or city and public properties.

(Ordinance 643, sec. II, adopted 6/10/14)

Sec. 36-46 Penalties.

Any person found to be violating this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine as provided by [section 1-10](#) of this Code. (Ordinance 643, sec. II, adopted 6/10/14)"