

ORDINANCE NO. 946

**AN ORDINANCE AMENDING CHAPTER 70, TRAFFIC AND MOTOR VEHICLES, OF THE CODE OF ORDINANCES FOR THE TOWN OF HOLLYWOOD PARK, TEXAS BY ADDING ARTICLE IV, MOTORIZED CARTS**

WHEREAS, the Texas Transportation Code H.B. No. 2553 authorizes the governing body of a municipality to regulate and control the operation of motorized carts (golf carts only) within the Town's legal boundaries and on its public streets to ensure the public safety of the community; and

WHEREAS, City Council of the Town of Hollywood Park, Texas, deems it to be in the best interest and safety of the citizens to regulate and control the operation of motorized carts (golf carts only) within the Town's legal boundaries and on its public streets.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. Chapter 70 of the Code of Ordinances of the Town of Hollywood Park, Texas shall hereby be amended by the addition of Article IV as follows:

**ARTICLE IV. MOTORIZED CARTS**

**“Sec. 70-79. Applicability.**

The provisions of this ordinance shall apply to all motorized carts operated upon a public street or public cart path within the Town of Hollywood Park 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 Town, 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 Town of Hollywood Park on official police business or the use of golf carts by Town personnel for official business on Town owned property and Town leased property.

**Sec. 70-80. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

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

***Driver*** means the person driving and having physical control over the motorized cart.

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

***Motorized cart*** means those electric and gasoline powered carts, commonly referred to as golf carts, but which must have a minimum of four wheels and which have an attainable top speed not greater than 25 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. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATVs, four-wheelers, mules, and gators.

***Multi-use Cart Path*** a path used designed and constructed to facilitate the movement of motorized carts and pedestrian traffic. The multi-use path is designated by a sign at the entrance and exit of the path and further designated by a multi-use path signs placed at 150' intervals in each direction. The multi-use path shall be designed and constructed in accordance with generally accepted engineering practices and approved by the town engineer.

***Owner*** means the person holding title to the motorized cart.

***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.

***Permit*** means a certificate/decal of authorization issued to the applicant authorizing the operation of the golf cart for which the permit was issued. The decal will display the month and year of expiration.

***Permit holder*** means the person to whom a golf cart permit has been issued.

***Public Cart Path*** means an improved path designed for the sole movement of a golf

cart which is available for use by the general public.

**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 under Section 547.104 and displayed in accordance with Section 547.703 of the Texas Transportation Code.

**Street** means the public roadways of the Town of Hollywood Park by whatever name, e.g. road, alley, avenue, highway, route, boulevard, etc. that (a) has a posted speed limit of 35 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.

**Trafficway** is 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.

**Working Days** shall mean Monday through Friday excluding town holidays.

**Sec. 70-81. Electric and gasoline motorized cart required equipment.**

A. Every motorized cart required to be permitted under section 110-325 must be equipped, as mandated by the Texas Transportation Code, H.B. 2553, Section 551.404(b) and/or required by the Town of Hollywood Park, with the following:

- (a) Operational headlamps; (2 required)
- (b) Operational tail lamps; (2 required)
- (c) Side reflectors; (2 front: amber in color and 2 rear: red in color)
- (d) Operational parking brake; and
- (e) Rearview mirror(s); (capable of a clear unobstructed view of at least 200 feet to the rear)
- (f) Slow-Moving-Vehicle Emblem
- (g) Horn (must be audible for a distance of 200 feet in compliance with Texas Transportation Code, Section 547.501)

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

**Sec. 70-82. Gasoline carts.**

Every motorized 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:

(a) The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler and exhaust pipes or including any and all parts specified by the manufacturer.

(b) The exhaust system and its elements shall be securely fastened with brackets or hangers, which are designed for the particular purpose of fastening motorized cart exhaust systems

(c) The engine and powered mechanism of every motorized cart shall be so equipped, adjusted and tuned so that the exhaust is in good working order.

**Sec. 70-83. Operational Regulations.**

(a) All drivers of motorized carts shall 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 Town.

(b) 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 Hollywood Park 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 m.p.h.

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

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

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

(g) The driver of a motorized cart with a current and valid Texas driver's license operating the cart on a street (as defined herein) 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 6 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 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 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 five hundred (500) feet.

#### **Sec. 70-84. Liability.**

Nothing in this section shall be construed as an assumption of liability by the Town of Hollywood Park for any injuries to persons, pets or property which may result from the operation of a motorized cart by an authorized 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 town and public properties. This described liability responsibility especially applies to personal injuries or property damage resulting from motorized cart drivers who are minors under the age of 21 with or without a current and valid Texas driver's license.

#### **Sec. 70-85. Permit required.**

No person shall operate, cause to be operated, or allow the operation of a golf cart on a public roadway unless a valid permit has been issued for that golf cart or otherwise allowed by law.

Application 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. Such application shall be made in writing to the Chief of Police or his designee on a form designated for that purpose. On such application shall be set forth the following:

(a) The application shall include the name, address, telephone number and state driver's license number, if applicable, of the permit holder.

(b) The application shall include the street address where the golf cart is kept,.

(c) The application shall include any business name used for the premises where the golf cart is kept.

(d) The application shall include year, make, model, color, vehicle identification number or serial number if no V.I.N. has been issued to the golf cart, electric or gasoline.

(e) The motorized cart shall be inspected by a person(s) and at a location designated by the Chief of Police to ensure compliance with requirements of this ordinance before the issuance of a permit.

(f) The permit shall be permanently affixed on the left side of the cart in such a manner that it is clearly visible from 50 feet. The permit must not be damaged, altered, obstructed, or otherwise made illegible. The permit holder shall apply for replacement permit and pay all applicable cost associated with the issuance and inspection of the cart.

(g) The permit shall only be placed upon the cart for which it was issued.

(h) A permit issued to a motorized cart shall become invalid if the motorized cart is altered in any manner that fails to comply with any requirement of this ordinance.

Permits/Stickers are valid for a period of (2) two years. The following fees shall apply:

1. Inspection by Police department \$50.00 (includes Permit/Sticker)
2. Re-inspection by Police Department \$10.00 (if a cart fails the initial inspection)

The permit holder shall notify the Hollywood Park Police Department within ten (10) working days if the motorized cart transfers ownership, or the address of the normal storage location has changed. The information shall be submitted on a form designated by the Chief of Police.

Lost or Stolen Permit/Stickers are the responsibility of the owner. A police report must be filed in the event of a Lost or Stolen Permit/Sticker. If no record can be found of a previous application, or the receipt of a Permit/Sticker, the Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary, before a replacement Permit/Sticker is issued.

Any person who operates a cart and fails to receive and properly display a Town of Hollywood Park Permit/Sticker will be subject to all applicable state laws, in addition

to being in violation of this ordinance.

A permit may be revoked at any time by the Chief of Police or designee if there is evidence that the permit holder cannot safely operate a motorized golf cart on the roadway of streets within the Town of Hollywood Park or the motorized cart fails to comply with the requirement of this ordinance. For purposes of this section, the commission of any of the violations described in subsection (70-83) constitutes evidence that the permit holder cannot safely operate a motorized golf cart on the street within the Town of Hollywood Park.

**Sec. 70-86. Penalties.**

Any person who violates the terms of this section shall be penalized as follows:

The maximum penalty allowed by law for such misdemeanor and in addition to traffic violations the driver of the motorized cart may be subject to pursuant to Texas Law, the owner of the motorized cart shall be subject to the following civil penalties:

- (a) For the first offense, a fine of not less than \$25.00;
- (b) For the second and any subsequent offense, a fine of not less than \$50.00.”

Section 3. This ordinance shall take effect immediately upon passage.

Section 4. All ordinances and agreements and parts of ordinances and agreements are in conflict herewith are hereby repealed to the extent of the conflict only.

**PASSED, APPROVED and ADOPTED** by the City Council of Hollywood Park, Texas, on this 15<sup>th</sup> day of July, 2014.

  
Chris Fails, Mayor

**ATTEST:**

  
Janice Alamia, City Secretary

**APPROVED AS TO FORM:**

  
Michael S. Brennan, City Attorney