

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2017-22

AN ORDINANCE OF THE TOWN OF FAIRVIEW, TEXAS, AMENDING CHAPTER 12 (TRAFFIC AND VEHICLES), ARTICLE 12.02 (OPERATION OF VEHICLES) OF THE FAIRVIEW CODE OF ORDINANCES BY AMENDING DIVISION 4 (GOLF CARTS ON PUBLIC STREETS); MODIFYING TOWN REGULATIONS REGARDING THE OPERATION OF GOLF CARTS IN PUBLIC AREAS AND PERMIT REQUIREMENTS; PROVIDING FOR A PENALTY NOT TO EXCEED \$500 FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Legislature of the State of Texas has recently amended the Transportation Code provisions relating to the operation of golf carts and similar undersized motorized vehicles within municipalities; and

WHEREAS, the Texas Transportation Code provides municipalities the authority to control the operations of motor vehicles using its streets and to prescribe reasonable and safe restrictions related to the stopping, standing and parking of vehicles; and

WHEREAS, the Legislature has modified the degree of power municipalities possess to prohibit the operation of golf carts and similar undersized motorized vehicles on a public highway if the governing body of the municipality determines that the prohibition is necessary in the interest of public safety; and

WHEREAS, the Town Council of the Town of Fairview, Texas (the "Town Council") has investigated and determined that the prohibitions set forth in this ordinance are necessary in the interest of safety; and

WHEREAS, the Town Council has further investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Fairview, Texas ("Fairview") and in the best interest of the public health, safety and welfare of the citizens and the public to amend its regulations for the operation of golf carts and similar undersized motor vehicles as set forth below.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. Amendment to Chapter 12 (Traffic and Vehicles) of the Fairview Code of Ordinances. Chapter 12 (Traffic and Vehicles), Article 12.02 (Operation of Vehicles), Division 4 (Golf Carts on Public Streets) of the Fairview Code of Ordinances is amended to read as follows, with

deleted provisions shown in strikethrough text (~~example~~) and added provisions showing in underlined text (example):

“Division 4. GOLF CARTS AND UNDERSIZED MOTOR VEHICLES IN ON-PUBLIC AREAS-STREETS

Sec. 12.02.091 Definitions.

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

Golf cart means a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course, and has a normal maximum speed between 15 and 25 mph.

Motor carrier means an individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one or more vehicles that transport persons or cargo over a road or highway in this state.

Public street means a publicly-owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the corporate boundaries of the town; this definition does not include public sidewalks or trails.

Undersized motor vehicle means a golf cart and all those classes of vehicles qualifying for issuance of license plates from the Texas Department of Motor Vehicles under Texas Transportation Code § 551.452, including all-terrain vehicles, neighborhood electric vehicles, recreational off-highway vehicle, or utility vehicle[.]

Sec. 12.02.092 Minimum requirements for operation of golf carts and undersized motor vehicles on public streets.

A person may operate a golf cart or other undersized motor vehicle on a public street if all of the following conditions are met:

- (a) the time when the ~~golf cart~~undersized motor vehicle is being operated is after sunrise and before sunset;
- (b) the maximum posted speed limit on the public street is thirty (30) miles per hour or less (or the ~~golf cart~~undersized motor vehicle is on a public street that has a posted speed limit of more than thirty (30) miles per hour and the ~~golf cart~~undersized motor vehicle is otherwise legally crossing at an intersection of such public street); except for motor carriers picking up or delivering mail, parcels, or packages, who may operate undersized motor vehicles on roads having speed limits of thirty-five (35) miles per hour or less;
- (c) the person has a valid drivers license;

- (d) the person maintains current financial responsibility for the golf cart/undersized motor vehicle, as required of other passenger vehicles in Texas Transportation Code Section 601.051;
- (e) the person complies with all applicable federal, state, and local laws and ordinances governing the operation of the golf cart/undersized motor vehicle;
- (f) the person is the holder of a golf cart/undersized motor vehicle permit duly issued by the town under section 12.02.094 of this division and has said permit on the golf cart/undersized motor vehicle; and
- (g) the golf cart/undersized motor vehicle has the following equipment in good working condition:
 - (1) headlamps;
 - (2) tail lamps;
 - (3) reflectors;
 - (4) parking brake;
 - (5) horn;
 - (6) mirrors;
 - (7) a slow moving vehicle emblem; and
 - (8) for golf carts/undersized motor vehicles purchased after the effective date of this ordinance, brake lights.
- (h) The vehicle bears a valid license plate issued by the Texas Department of Motor Vehicles if required under applicable state law.
- (i) Vehicles owned and operated by the town are exempt from the requirements of this division.

Sec. 12.02.093 Additional regulations.

- (a) While a golf cart or undersized motor vehicle is in motion on a public street, the driver and every passenger in the golf cart/vehicle must be seated in a seat designed to hold passengers. No person may stand, or ride in the lap of the driver and/or other passenger of a golf cart while it is moving on a public street. The number of passengers riding in an undersized motor vehicle may not exceed the number of riders that the vehicle is designed to transport.

- (b) Animals riding in a ~~golf cart~~undersized motor vehicle that is operated on a public street must be reasonably secured (i.e. safety harness, crate, passenger's lap).
- (c) Any person operating a ~~golf cart~~undersized motor vehicle on a public street must use proper hand signaling to illustrate intent of direction being traveled, or the ~~golf cart~~undersized motor vehicle must be equipped with turn signal lamps.
- (d) In any park containing playground equipment, ~~golf carts~~undersized motor vehicles are not permitted to be operated or parked more than 6 feet from paved sidewalks or hike and bike trails.

Sec. 12.02.094 Permit requirement.

- (a) Before operating a golf cart or undersized motor vehicle on a public street a person must possess an unexpired town-issued ~~golf cart~~undersized motor vehicle permit. An initial permit fee of sixty dollars (\$60.00) must be paid to the town for the issuance of a new permit, which shall be valid for a period of two years. A biennial renewal fee of sixty dollars (\$60.00) is required to be paid to the town to maintain the permit. The permit does not constitute a property right. In addition to other applicable penalties, the town may suspend or revoke a town-issued permit held by a person who has been convicted of a violation of any of the requirements under this division. Persons who receive Town-issued permits will receive permit stickers that must be affixed to the front and rear of the ~~golf cart~~undersized motor vehicle as set forth in further detail herein.
- (b) The registration permit process includes the following specifics:
 - (1) The applicant shall complete the Town-supplied registration permit application form, which shall contain the:
 - (A) name and address of the applicant and owner of the ~~golf cart~~undersized motor vehicle;
 - (B) location where the vehicle is regularly stored overnight;
 - (C) model, make, name and ~~golf cart~~undersized motor vehicle identification number;
 - (D) current driver's license number of applicant;
 - (E) statement that all operators are required to be licensed pursuant to Texas Transportation Code Sections 521.001(3) and 521.021, as amended, and that all equipment required under division is installed and will be kept current during the registration period;
 - (F) statement that the registration permit holder and any user shall indemnify and hold harmless the town, for any and all civil liability associated with said

registration, and waives any and all rights to sue or allow subrogation by insurance company; and,

(G) other information the Town may require.

(2) The permit application shall be:

(A) accompanied by a fee of \$60.00;

(B) accompanied by proof of financial responsibility consistent with the minimum requirements of Texas Transportation Code Section 601.051, as amended, for operation of motor vehicles. Applicant owner must also show their original driver's license and shall provide copies of both the owner's drivers license and proof of financial responsibility; and,

(C) signed by the applicant.

(3) Upon issuance, the permit stickers shall be attached and displayed upon the right front panel (driver's side) of the ~~golf cart~~ undersized motor vehicle and upon the left rear panel so as to be clearly visible.

Sec. 12.02.095 Prohibition against operating golf carts and undersized motor vehicles in public parks and on public trails and sidewalks.

The operation of a golf cart or undersized motor vehicle in any area designated by the town as a public park or trail, or which comprises a public sidewalk, is strictly prohibited.

(Ordinance 2011-3-1D adopted 3/1/11; Ordinance No. _____ adopted _____)”

SECTION 3. Penalty Provision. Any person, firm, entity or corporation who violates any provision of this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Fairview from filing suit to enjoin the violation. Fairview retains all legal rights and remedies available to it pursuant to local, state, and federal law.

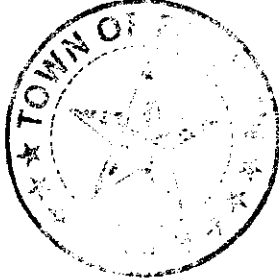
SECTION 4. Savings/Severability/Repealing Clause. All ordinances and provisions of the Code of Ordinances, Town of Fairview, Texas in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The Town declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6. Effective Date. This Ordinance shall be effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL, OF THE TOWN OF FAIRVIEW, TEXAS on this 4 day of October, 2017.



Darion Culbertson, Mayor
Town of Fairview

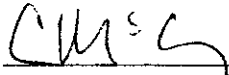


ATTEST:

APPROVED AS TO FORM:



Elizabeth Cappon, Town Secretary



Clark McCoy, Town Attorney