

ORDINANCE NO. 081002021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MUNDAY, TEXAS, REVOKING PRIOR ORDINANCE ENTITLED "GOLF CARTS ORDINANCE #10142014" AND PROVIDING ADOPTING THE PROVISIONS OF THE NEW ORDINANCE ENTITLED "GOLF CART ORDINANCE" PROVIDING A SEVERABILITY CLAUSE; FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Transportation Code chapter 551 authorizes the governing body of a municipality to regulate and control the operation of motorized carts (golf carts only) within the City's legal boundaries and on its public streets to ensure the public safety of the community; and

WHEREAS, City Council of the City of Munday, Texas, deems that golf carts may be safely operated in the City and 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 City's legal boundaries and on its public street.

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

Part 1. Applicability:

The provisions of this ordinance shall apply to all motorized golf carts operation upon a public street within the City of Munday, Texas.

SECTION 1: DEFINITIONS:

As used in this article the following words and phrases shall have the meanings herein ascribed to them, unless the content of their usage clearly indicates another meaning:

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.

Golf Cart means a motor vehicle designed by the manufacturer primarily for use on a golf course. Texas Transportation Code 551.401. Other vehicles such as ATV's, gators, 4-wheelers, and other similar type vehicles are not considered "golf carts" and are not a part of these provisions.

Owner means the person holding title to the golf cart.

Permit means a certificate/decal of authorization issued to the applicant authorizing the operation of the golf cart for which the permit was issued by the Texas Department of Motor Vehicles.

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 standard and specifications adopted by the Texas Transportation Code and displayed in accordance with Section 547.703 of the Texas Transportation Code.

Street means the public roadways of the City of Monday 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.

SECTION 2. OPERATION:

1. All drivers of golf carts shall hold a valid driver's license and shall abide by all traffic regulations established by Texas laws.
2. 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.
3. Golf carts shall not be operated or parked on any sidewalk except by the City of Munday during maintenance operations.
4. All golf carts shall display a valid permit as issued by the Texas Department of Motor Vehicles.
5. Children must be properly seated while a golf cart is in motion and may not be transported in a reckless or negligent manner.
6. Passengers: the number of occupants in any golf cart being operated in the City of Munday shall be restricted to the number of seats on the golf

cart. No occupants of the golf cart shall stand at any time in the seat, floor or back section of the golf cart or at any time the golf cart is in motion.

SECTION 3. EQUIPMENT:

Golf carts operated upon City of Munday streets shall be equipped with the following:

1. Headlamps;
2. Taillamps;
3. Reflectors;
4. Parking brake; and
5. Mirrors.

A slow-moving emblem as described in Section 547.703 of the Texas Transportation Code.

SECTION 4. LIABILITY:

Nothing in this ordinance shall be construed as an assumption of liability by the City of Munday for any injuries to persons, pets or property which may result from the operation of a golf 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 golf cart, both on personal and/or city and public properties. This described liability responsibility especially applies to personal injuries or property damage resulting from golf cart drivers who are minors with or without a current and valid Texas driver's license.

SECTION 5. PENALTIES:

Upon violation of this Ordinance, a fine, not to exceed \$250.00 will be issued to the operator of the golf cart. A fine, not to exceed \$250.00 will be issued to any parent, guardian or owner of golf cart that allows an underage or unlicensed driver to operate a golf cart.

Part 2: Severability.

If any section, sub-section, clause, phrase or portion of this Ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and

independent provision and such invalidity shall not affect the validity of the remaining portions.

Part 3: Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Part 4: Publication

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption hereof together with the civil and criminal penalty provisions for violation thereof.

Part 5: Effective Date.

This ordinance shall be in force and effect from and after its publication as required by law.

PASSED AND APPROVED on this the 10 day of August, 2021.

CITY OF MUNDAY, TEXAS



Robert Bowen, Mayor

ATTEST:


Bianca Harrimon, City Secretary