

ORDINANCE 01-06-2018

AN ORDINANCE AMENDING CHAPTER 18, VEHICLES AND TRAFFIC, ARTICLE 18.70 GOLFCARTS, SECTION 1(a); PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION; SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cooper determines that it is in the interests of the safety and welfare of the public to license and regulate the operation of golf carts on public streets and highways within the corporate limits of the City of Cooper, pursuant to Texas Transportation Code Section 55.404.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COOPER, COUNTY OF DELTA, STATE OF TEXAS:

Section 1. Amendment. Cooper Code of Ordinances Chapter 18, Vehicles and Traffic 18.70 Section 1 (a), is hereby amended to read as follows:

Article 18.70. Golf Carts

Section 1. Definitions.

- (a) **Golf cart** means a motor vehicle, to include gasoline powered motor vehicle, with not less than three wheels designed by the manufacturer primarily for transporting persons on a golf course without regard to the mode of propulsion or any modifications made to the body, chassis, or any portion of the golf cart by any person. Golf carts specifically exclude go-carts, neighborhood electric vehicles, off road vehicles, utility vehicles, and all terrain vehicles, as defined by the Texas Transportation code.
- (b) **Golf cart license** shall mean a privilege granted upon compliance with terms of this chapter to legally operate a golf cart on a public street or highway within the corporate boundaries of the City of Cooper during the year when granted.
- (c) **Golf cart license certificate** shall mean a certificate for attachment to a golf cart carrying a serial number corresponding to the number of the golf cart license for such golf cart and showing the calendar year the license shall expire.
- (d) **Golf cart license fee** shall mean a charge imposed as specified in this chapter for the granting of golf cart license and the issuance of a golf cart license certificate.

Section 2. Certain operations prohibited.

The City of Cooper has determined that the unregulated operation of a golf cart on a public street or highway is not safe, and, pursuant to Texas Transportation Code Sections 551.403 and 551.404, prohibits the operation of a golf cart upon any public street or highway, except as permitted by this City Code.

Section 3. Offense.

It shall be unlawful for any person to operate a golf cart on the following streets in the City of Cooper: East and West Dallas Avenue; N.W. and S.W. First Street.

Section 4. License required fee; license certificate.

- (1) No person may operate a golf cart upon any public street or highway within the corporate boundaries of Cooper unless said golf cart is licensed by the City of Cooper and a license certificate is permanently affixed to the golf cart as prescribed by this City Code.
- (2) Such license shall be purchased from the City of Cooper upon the expiration of registration of the Golf Cart with the State.
- (3) Such license shall be purchased annually for \$25.00, or for such other sums to be set from time to time by City Council by resolution. The license, regardless of when purchased, shall be valid until the 31st day of December of the year purchased.
- (3) A separate license is required for every golf cart owned by an individual or entity. A golf cart license is valid only for the golf cart that it is issued to and is not transferable from one golf cart to another.
- (4) The City Secretary shall issue to each person purchasing a City license for their golf cart a golf cart license plate. The license plate shall be permanently affixed to the rear of the golf cart and displayed so that it is readily visible and identifiable from a distance of more than 50 feet.
- (5) The certificate shall be issued only upon the owner showing a valid insurance certificate or other evidence satisfying the City Secretary that the golf cart is insured consistent with state standards for motor vehicles.

Section 5. Duplicate license; fee.

Upon proof that the original license plate was lost, stolen, or damaged beyond recognition, a duplicate of the golf cart license certificate issued by the City shall be furnished on payment of a fee to be set by City Council by resolution.

Section 6. Records

The City Secretary shall maintain a record describing each golf cart licensed within the preceding two (2) years. The record shall include the name of the owner of the golf cart, the address of the owner, the location the golf cart is normally parked, the date the golf cart was licensed, the date the license shall expire, the make/manufacture of the golf cart licensed, the model of the golf cart licensed, the number of seats the golf cart has, the color of the golf cart licensed, the vehicle identification number or serial number of the golf cart licensed, the serial number of the golf cart license certificate, the fee paid for the license, and the method of fee payment.

The City Secretary shall provide a duplicate copy of the record to the Cooper Police Department on the first business day of every month.

Section 7. Traffic laws and rules of the road apply.

A golf cart licensed by the City of Cooper shall be operated in accordance with all laws and rules of the road enumerated in the Texas Transportation Code and by this City Code for the operation of a passenger vehicle, except those rules and laws specifically excluded or limited by this City Code.

Section 8. Exclusions and limitations.

The following exclusions and limitations apply to the licensing and operation of any golf cart licensed by the City of Cooper.

- (a) Golf carts used while evacuating persons during a declared emergency are exempt from licensing by this Code during the declared emergency and for 72 hours after the emergency.
- (b) Golf Cart license certificates may only be sold by the City of Cooper or authorized vendor approved by City Council resolution to sell golf cart license certificates.
- (c) No person may display a false, fictitious, or facsimile golf cart license certificate.
- (d) No person may alter or display an altered golf cart license certificate.

- (e) Golf carts may only be operated by persons with a valid operator's permit and/or driver's license.
- (f) Golf carts may only be operated upon a public street or highway with a speed limit of not more than 35 MPH unless otherwise restricted.
- (g) A golf cart may cross a street or highway with a speed limit of more than 35 MPH if said crossing occurs at an intersection and said crossing is perpendicular to the street or highway with a posted speed limit of more than 35 MPH.
- (h) Golf carts must move to the right and yield the right of way to faster moving vehicles.
- (i) Golf carts 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.
- (j) All golf carts must be equipped with operational headlamps, tail lamps, reflectors, parking brakes, review mirrors and a slow moving vehicle emblem.
- (k) Golf carts are not required to display a license plate or other registration certificate issued by the State of Texas.
- (l) Golf carts are not required to display a valid motor vehicle inspection sticker.
- (m) Operators and passengers are exempt from wearing seatbelts; however drivers and occupants are encouraged to wear safety restraints as prescribed by the Texas Transportation Code.
- (n) The driver and every occupant of a golf cart over five years of age must remain seated in a seat designed to hold passengers, while the golf cart is in motion.
- (o) No person over the age of five years may ride in the lap of the driver or any other occupant.
- (p) Golf carts occupied by children under the age of ten years may only be operated during daylight hours.

Section 9. Penalties

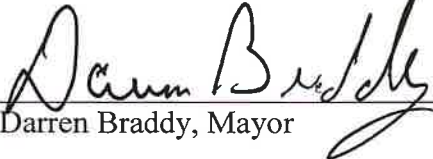
Any person who violates this Article shall be guilty of a Class C misdemeanor, as defined in the Texas Transportation Code, which shall be punishable by a fine not to exceed two hundred dollars (\$200.00).

Section 2. Effective Date. This ordinance shall be effective January 1, 2010, and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Cooper.

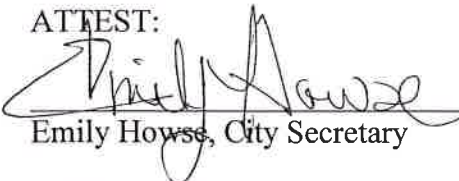
Section 3. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 4. Publication. This ordinance shall be published one time in the official newspaper of the City of Cooper, Delta County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

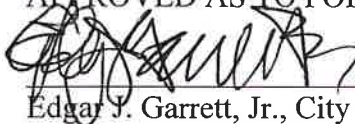
PASSED, ORDAINED, APPROVED AND ADOPTED this 11 day of June, 2018.


Darren Braddy, Mayor

ATTEST:


Emily Howse, City Secretary

APPROVED AS TO FORM:


Edgar J. Garrett, Jr., City Attorney