

ORDINANCE NO. 0213

AN ORDINANCE AUTHORIZING THE LIMITED OPERATION OF GOLF CARTS ON PUBLIC STREETS DURING THE WINTER HOLIDAY SEASON FOR PARCEL DELIVERY IN THE CITY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND HEARING; THE PENALTY BEING AS PROVIDED IN SECTION IV OF THE ORDINANCE, CREATING A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$500.00.

WHEREAS, Section 551.404 of the Texas Transportation Code authorizes the governing body of a municipality to allow the limited operation of a golf cart on public streets; and

WHEREAS, golf carts can help to reduce overall emissions and their use is an eco-friendly or 'green' alternative to traditional passenger motor vehicles; and

WHEREAS, the El Paso City Council has determined that authorizing the limited operation of golf carts on public streets, by entities whose primary business is the delivery of parcels, during the winter holiday season is in the best interest of the public and its citizens; and

WHEREAS, nothing in this Ordinance is intended to affect or prohibit state law provisions in Sections 551.403 and 551.405 of the Texas Transportation Code, authorizing certain limited uses of golf carts on certain types of city streets.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS, that;

Pursuant to Sections 51.001 and 51.012 of the Texas Local Government Code, the Horizon City Town Council hereby enacts and adopts this ordinance which regulates the travel of certain vehicles within the Town of Horizon City.

SECTION I. DEFINITIONS

For purposes of this Ordinance, the following terms have these defined meanings.

- A. "Authorized operator" means a person that uses a golf cart for the purpose of delivering parcels while in the course of employment with an entity whose primary business is the delivery of parcels.
- B. "Golf cart" means a motor vehicle that has no less than three wheels, has a maximum speed between 15-25 mph, and may be modified for parcel delivery.

- C. "Motor vehicle" means a vehicle that is self-propelled.
- D. "Public highway" means a road, street, way, thoroughfare, or bridge:
 - 1. that is in the State;
 - 2. that is for the use of vehicles;
 - 3. that is not privately owned or controlled; and
 - 4. over which the State has legislative jurisdiction under its police power.
- E. "Slow moving emblem" shall have the meaning assigned by Section 547.001 (8) of the Texas Transportation Code and shall mean:
 - 1. a triangular emblem that has a reflective surface designed to be clearly visible during daytime at a distance of at least 500 feet; and
 - 2. is displayed in accordance with Section 547.703 of the Texas Transportation Code, requiring that such emblem be mounted base down on the rear of the motor vehicle at a height from three to five feet above the road surface.
- F. "Winter holiday season" shall mean the period of time each year starting November fifteenth (15th) and ending January fifth (5th) of the following year.

SECTION II. OPERATION OF A GOLF CART

- A. During the winter holiday season, an authorized driver may operate a golf cart on a public highway, in the corporate boundaries of the City, for which the posted speed limit is not more than 35 miles per hour, if each of the following requirements are met:
 - 1. a golf cart operated must have the following equipment:
 - a. Headlamps;
 - b. Taillamps;
 - c. Reflectors;
 - d. Parking brake;
 - e. Mirrors; and
 - 2. a golf cart is required to display a slow-moving-vehicle emblem when it is operated on a public highway, as required by Sections 547.703(a) and (d) of the Texas Transportation Code; and
 - 3. the authorized operator of a golf cart must:
 - a. possess a valid driver's license that authorizes operation of a motor vehicle on public highways;
 - b. carry evidence of financial responsibility consistent with Section 601.051 of the Texas Transportation Code, as amended, for operation of motor vehicles; and
 - c. obey all state and local traffic laws.
- B. Nothing in this Ordinance shall be construed to affect or prohibit state law provisions in Sections 551.403 and 551.405 of the Texas Transportation Code, authorizing certain limited uses of golf carts on certain types of city streets.

SECTION III. LIABILITY

Nothing in this Ordinance shall be construed as an assumption of liability by the City for any damages (personal injury, property damage or otherwise) which may result from the operation of a golf

cart authorized by this Ordinance. The authorized operator of a golf cart is responsible for the safe operation of a golf cart allowed under this Ordinance.

SECTION IV. VIOLATION - PENALTY

Any person who operates a golf cart in violation of any provision or requirements of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$500.00. Each violation of this Ordinance is a separate offense.

SECTION V. FINDINGS OF FACT

That this ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinance, and such is evidenced by the signatures below; and further that the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

SECTION VI. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the effect of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION VII. SEVERABILITY

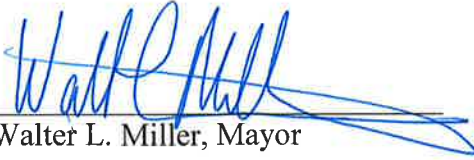
Should any of the clauses, sentences, paragraphs, sections or parts of this ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION VIII. PROPER NOTICE AND MEETING

It is 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, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52, Texas Local Government Code.

PASSED AND APPROVED this the 12th day of August 2014, by a vote of 6 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Horizon City, Texas.

Town of Horizon City

By: 
Walter L. Miller, Mayor

ATTEST:

By: 
Elvia Schuller, City Clerk



APPROVED AS TO FORM:


Elaine S. Hengen, Assistant City Attorney

First Reading: 7/22/2014
Second Reading: 8/12/2014