

9-25-12
Agenda

AGENDA REQUEST

2E

NO: 2012-141

ORDINANCE

RESOLUTION

CAPTION: An Ordinance amending the Code of Ordinances of the City of Pasadena, Texas at Chapter 36, Traffic, by adding a new Article II½, Golf Carts; providing a repealing clause; providing a savings clause; providing for severability; and providing a penalty.

RECOMMENDATIONS & JUSTIFICATION: To regulate the operation of golf carts on certain public streets within the City of Pasadena.

(IF ADDITIONAL SPACE IS REQUIRED, PLEASE ATTACH SECOND PAGE)

COST: _____ TASK NO: _____ BUDGETED: YES NO
ACCOUNT NUMBER(S): _____ REQUESTING DEPARTMENT: Community Relations

COUNCIL ACTION		
REQUESTING PARTY (TYPED)	FIRST READING:	FINAL READING:
<u>Richard Scott</u> DATE: <u>8/30/2012</u> PURCHASING DEPARTMENT	<u>Morrison</u> MOTION	_____ MOTION
APPROVED: _____	_____	_____
CONTROLLER CERTIFICATION	<u>Cayton</u> SECOND	_____ SECOND
<u>[Signature]</u> CITY ATTORNEY	<u>9-25-12</u> DATE	_____ DATE
<u>[Signature]</u> MAYOR	<u>Mays Van Houtte</u> DEFERRED: _____	_____

ORDINANCE NO. 2012-

141

An Ordinance amending the Code of Ordinances of the City of Pasadena, Texas at Chapter 36, Traffic, by adding a new Article II½, Golf Carts; providing a repealing clause; providing a savings clause; providing for severability; and providing a penalty.

WHEREAS, the Texas Transportation Code § 551.404 authorizes the governing body of a municipality to regulate and control the operation of golf carts within the corporate boundaries of the City and on its public streets to ensure the public safety of the community; and

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

WHEREAS, after due consideration, the City Council of the City of Pasadena, Texas, deems it in the public interest to amend its code of ordinances at Chapter 36, by adding a new Article II½, "Golf Carts"; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PASADENA, TEXAS:

SECTION 1. That the City Council hereby finds and adopts the preamble to this Ordinance.

SECTION 2. That Chapter 36, Traffic, is hereby amended by adding a new Article II½, Golf Carts, to hereafter read as follows:

ARTICLE II½. - GOLF CARTS

Sec.36-80. - 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 as referenced hereafter, shall have the meaning as defined in Texas Transportation Code Section 502.001.

Operator shall mean the person operating and having physical control over the golf cart. An operator must have a Valid Texas Drivers' License in their possession.

Public Highway or Roadway shall have the meaning as defined in Texas Transportation Code Section 502.001.

Sec. 36-81. - Operation of golf carts permitted.

Pursuant to Texas Transportation Code Section 551.404, operators are allowed to operate a golf cart on all or part of a public highway that is in the corporate boundaries of the City of Pasadena, east of Toddville Road to Galveston Bay.

Sec. 36-82. - Required Equipment.

A golf cart operated under this Article must have the following equipment:

- a. headlamps;
- b. taillamps;
- c. reflectors;
- d. parking brake;
- e. mirrors; and
- f. a slow moving vehicle emblem as provided for in Texas Transportation Code Section 547.703.
- g. Brakes which will stop the vehicle in a reasonable distance.
- h. Two red brake lights or stop lamps shall be mounted on the rear of the vehicle and display when brakes are applied, mounted at a height of 15 to 72 inches, at the same height and spaced as widely apart as practicable.
- i. Rearview mirror shall be equipped and in good working order located to reflect to the operator a view for a distance of at least 200 feet to the rear of the vehicle.
- j. Audible warning device or horn in good working condition that emits a sound audible under normal conditions at a distance of at least 200 feet.
- k. Exhaust systems in good working order and within the noise ordinance of the City of Pasadena.

Sec. 36-83. - Operation regulations.

- a. Any operator of a golf cart under this Article, shall be licensed to operate a motor vehicle as provided for by the Texas Transportation Code and shall have in their

possession a valid Texas Drivers' License and proof of financial responsibility covering the golf cart (as required for other motor vehicles under Texas Transportation Code Section 601.051), while operating the golf cart.

- b. All traffic regulations applicable to vehicular traffic must be followed.
- c. Golf carts shall not be operated on public sidewalks, running or walking paths, and places designed for pedestrians or bicycles, or any other place not expressly permitted.
- d. Golf carts shall not be operated on any major or secondary thoroughfares in the City.
- e. The operator and any passengers shall be limited to the seating capacity of the golf cart as designed by the manufacturer; all occupants shall remain seated in a seat designed to hold passengers at all times while the golf cart is in motion.
- f. Golf carts must yield right-of-way to bicycles, pedestrians, and faster moving vehicles.
- g. No child under the age of 10 may ride in a golf cart unless properly restrained by a seat belt.

Sec. 36-84. - Exceptions.

Golf carts owned and/or operated for official government purposes and those used while evacuating persons during a declared emergency are exempt from these regulations.

Sec. 36-85. - Penalty.

This article is hereby incorporated into and made a part of the Pasadena City Code. Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not more than \$500.00 per offense plus court costs. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined in this section.

SECTION 3. That all ordinances in force when this Ordinance becomes effective which are inconsistent with, or in conflict with

this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this Ordinance.

SECTION 4. That all rights and remedies which have accrued in favor of the City under this Chapter, and amendments thereto, shall be and are preserved for the benefit of the City.

SECTION 5. That the City Council of the City of Pasadena, Texas does hereby declare that if any section, subsection, paragraph, sentence, clause, phrase, word or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction it nonetheless would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that section, subsection, paragraph, sentence, clause, phrase, word or portion which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this ordinance dependent upon the validity of any other portion thereof and that all the remaining portions shall continue in full force and effect.

SECTION 6. That any person who violates any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One (\$1.00) Dollar nor more than Five Hundred and No/100 (\$500.00) Dollars.

SECTION 7. That the City Council officially determines that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient

to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further confirms such written notice and the contents and posting thereof.

(SIGNATURE AND APPROVAL - NEXT PAGE)

PASSED ON FIRST READING by the City Council of the City of
Pasadena, Texas in regular meeting in the City Hall this the
25th day of September, A.D., 2012.

APPROVED this the 25th day of September, A.D., 2012.

JOHNNY ISBELL, MAYOR
OF THE CITY OF PASADENA, TEXAS

ATTEST:

APPROVED:

LINDA RORICK
CITY SECRETARY
CITY OF PASADENA, TEXAS

LEE CLARK
CITY ATTORNEY
CITY OF PASADENA, TEXAS

PASSED ON SECOND AND FINAL READING by the City Council of the
City of Pasadena, Texas in regular meeting in the City Hall
this the ____ day of _____, A. D., 2012.

APPROVED this the ____ day of _____, A.D., 2012.

JOHNNY ISBELL, MAYOR
OF THE CITY OF PASADENA, TEXAS

ATTEST:

APPROVED:

LINDA RORICK
CITY SECRETARY
CITY OF PASADENA, TEXAS

LEE CLARK
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