

ORDINANCE NO. 0412-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDVILLE, TEXAS, AMENDING CHAPTER 86 "TRAFFIC AND VEHICLES" ARTICLE VI. "REGULATION OF GOLF CARTS" OF THE NEEDVILLE CODE OF ORDINANCES; PROVIDING FOR THE REGULATION OF GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES, AND OFF-HIGHWAY VEHICLES; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING A PENALTY FOR VIOLATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has observed an increased use of golf carts, neighborhood electric vehicles and other recreational off-highway vehicles within the City limits; and

WHEREAS, the City Council believes it prudent to implement regulations regarding the use of such vehicles within the City in order to protect the health, safety and welfare of all of its citizens,

WHEREAS, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance, including but not limited to the Open Meetings Act.

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

SECTION 1. PREAMBLE. The facts and matters set forth in the preamble of this Ordinance are found to be true and correct and incorporated herein for all purposes.

SECTION 2. AMENDMENT AND ENACTMENT. The City Council hereby amends Chapter 86 "Traffic and Vehicles" Article VI. "Regulation Of Golf Carts" of the Code of Ordinances providing for the regulation of golf carts, neighborhood electric vehicles, and off-highway vehicles and providing a penalty for violation; attached hereto as Exhibit A and incorporated fully herein for all purposes.

SECTION 3. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

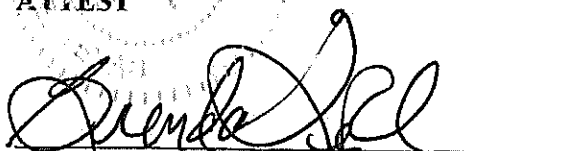
SECTION 5. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED & APPROVED THIS, THE 12 DAY OF April, 2023.



SANDRA DORR, MAYOR

ATTEST



Brenda Teykl, City Secretary

NEEDVILLE, TEXAS - CODE OF ORDINANCES
CHAPTER 86 - TRAFFIC AND VEHICLES
**ARTICLE VI. REGULATION OF GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES, AND OFF-HIGHWAY
VEHICLES**

Sec. 86-97. Purpose.

The purpose of this article is to protect the public health, safety, and welfare by regulating the operation of golf carts, neighborhood electric vehicles, and off-highway vehicles on public streets.

Sec. 86-98. Definitions.

Golf cart means a motor vehicle designed by the manufacturer primarily for use on a golf course as defined in V.T.C.A. Transportation Code § 551.401 and can attain a maximum speed of twenty (20) mph. As used in this chapter the term "golf cart" may include neighborhood electric vehicles.

Neighborhood electric vehicle (NEV) means a vehicle that can attain a maximum speed of thirty-five (35) miles per hour on a paved level surface as defined in V.T.C.A., Transportation Code § 55.301 and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

Off-highway vehicles (OHV) shall include *All-Terrain Vehicles, Recreational Off-Highway Vehicles, Utility Vehicles, or Sand Rails* as defined in V.T.C.A., Transportation Code Ch. 551A. The term includes vehicles commonly known as "ATVs", "three wheelers", "four-wheelers", "quads", "UTVs", "Side by Sides" "Rangers", "RZR's", "Rhinos", and "Gators".

Sec. 86-99. Required equipment.

(1) A golf cart or NEV must be equipped with the following minimum equipment:

- (a) Operational headlamps;
- (b) Operational tail lamps;
- (c) Side reflectors;
- (d) Operational parking brake;
- (e) Rearview mirror(s);
- (f) Seat belts for the driver and each passenger;
- (g) Slow moving vehicle sign having a reflective surface designed to be clearly visible in daylight or at night from the light of standard headlamps at a distance of at least 500 feet and shall be mounted base down on the rear of the vehicle at a height from three to five feet above the road surface and shall be maintained in a clean reflective condition; and
- (h) Orange flag mounted to back of vehicle at least six feet above ground level.

(2) An OHV must be equipped with the following minimum equipment:

- (a) Operational headlamps;
- (b) Operational tail lamps;
- (c) Side reflectors;
- (d) Rearview mirror(s);
- (e) Seat belts for the driver and each passenger;

Exhibit A

- (f) A brake system maintained in good operating condition;
- (g) An adequate muffler system in good working condition;
- (h) A United States Forest Service qualified spark arrester.
- (i) Slow moving vehicle sign having a reflective surface designed to be clearly visible in daylight or at night from the light of standard headlamps at a distance of at least 500 feet and shall be mounted base down on the rear of the vehicle at a height from three to five feet above the road surface and shall be maintained in a clean reflective condition; and
- (j) Orange flag mounted to back of vehicle at least six feet above ground level.

An OHV may not be operated on city roads if the vehicle has an exhaust system that has been modified with a cutout, bypass, or similar device OR the spark arrester has been removed or modified.

Sec. 86-100. General conditions.

The operation of golf carts, NEVs, and OHVs within the corporate limits of the city upon public streets is hereby authorized under the following terms and conditions:

- (1) Operation of golf carts, NEVs, and OHVs must be by a licensed driver as provided by V.T.C.A., Transportation Code § 521.025;
- (2) Every driver shall maintain proof of current financial responsibility for the golf cart, NEV, or OHV, as defined in Texas Transportation Code §§ 601.051-.052;
- (3) *Permit required.* Golf carts, NEVs and OHVs shall display a valid sticker permit issued by the City. Permits are valid for one year and may be obtained at City Hall. The permit fee is \$25.00 annually. Permits may be revoked if the owner or driver of a golf cart, OHV, or NEV fails to abide by the rules and regulations of this article;
- (4) Operation of golf carts, NEVs, and OHVs is only allowed upon a public street with a posted speed limit of not more than 35 miles per hour;
 - Exception:** the driver may cross a public highway with a posted speed limit of more than thirty-five miles per hour (35 mph) at an intersection to immediately access a private driveway, parking lot, or a public highway with a posted speed limit of thirty-five miles per hour (35 mph) or less.
- (4) *Prohibited streets.* At no time shall a person operate a golf cart, NEV, or OHV on the following streets, except to cross at an intersection to immediately access a private driveway, parking lot, or a public highway of a posted speed limit of thirty-five miles per hour (35 mph) or less:
 - (a) Where the posted speed limit exceeds thirty-five (35) miles per hour;
 - (b) Main St. between North Ave. and Highway 36;
 - (c) School St. between Highway 36 and Gene St.; and
 - (d) Streets which are designated as part of the state highway system.
- (4) Operation of golf carts, NEVs, and OHVs is only allowed during daylight hours;
- (4) Golf carts, NEVs, and OHVs must be operated on a recreation lane or path when provided;
- (5) All drivers of golf carts, NEVs, and OHVs shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the city;
- (6) Golf carts, NEVs, and OHVs shall not be operated on sidewalks at any time;

Exhibit A

- (7) Golf carts, NEVs, and OHVs are prohibited from pulling trailers, boats, jet skis, other objects or people on public streets and the right-of-way; and
- (8) Driver and passenger shall:
 - (a) Be limited to the seating capacity as designed by the manufacturer;
 - (b) Be seated at all times in a seat designed to hold passengers and restrained by a seat belt while the Golf cart, NEV, or OHV is in motion; and
 - (c) Not allow a person to ride in the lap of the driver or any other person being transported.

Sec. 86-101. Compliance and penalties.

- (a) It shall be unlawful for any person to operate a golf cart, NEV, or OHV on a public street within the corporate limits of the city except in accordance with the provisions of this article.
- (b) Any person who shall violate the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$1.00 or more than \$500.00. It shall not be necessary for the complaint to allege or for proof to be made that the act was knowingly done, or with any other culpable mental state, nor shall it be necessary for the complaint to negate any exception contained in this division.
- (c) This article does not apply to:
 - (1) a golf cart, NEV or OHV used or owned by any governmental entity; or
 - (2) a moped or motorcycle, motor-assisted bicycle, motor-assisted scooter, pocket bike or minimotorbike, electric personal assistive mobility device, or motorized mobility device designed for transportation of persons with physical disabilities.
- (d) The requirements set out in this article are in addition to any requirements which exist under the laws of this State.