

ORDINANCE NO. 327

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCHER CITY, TEXAS ALLOWING THE OPERATION OF GOLF CARTS ON CERTAIN STREETS WITHIN THE CITY SUBJECT TO CERTAIN CONDITIONS ESTABLISHED BY STATE LAW; ESTABLISHING AN OFFENSE AND PROVIDING A PENALTY; PROVIDING FOR REPEAL OF ANY CONFLICTING PROVISIONS OF OTHER ORDINANCES AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, the City of Archer City, Texas (the "City") is authorized to permit the operation of golf carts on certain streets within the City pursuant to TEX. TRANS. CODE §551.404; and

WHEREAS, the City Council of the City (the "City Council") finds, in accordance with TEX. LOC. GOVT. CODE §51.001, that the provisions adopted in this ordinance will promote good government, peace and order of the City and are necessary to properly carry out the power granted to the City which is referenced above; and

WHEREAS, this ordinance was adopted at a meeting of the City Council: (i) at which a quorum of the members of the City Council were present, (ii) which was open to the public, as required by Chapter 551 of the Texas Government Code (the Open Meetings Act), and (iii) which was preceded with the notice required by the Texas Open Meetings Act.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Archer City, Texas:

SECTION 1. Enactment of Section 12.02.004. That the Code of Ordinances of the City of Archer City, Texas be amended to add the following as Section 12.02.004:

Sec. 12.02.004 Operation of golf carts

(a) A golf cart may be operated on all or part of a public highway that is located within the corporate boundaries of the city if the public highway has a posted speed limit of not more than 35 miles per hour and the golf cart has headlamps, tail lamps, reflectors, parking brake and mirrors, as required by TEX. TRANS. CODE §§551.404(b).

(b) As used in this section a "golf cart" and "public highway" shall have the meanings assigned to those terms by TEX. TRANS. CODE §§502.001 and 554.401.

(c) The circumstances under which golf carts may be operated under this section are in addition to those circumstances in which the operation of golf carts is permitted by TEX.

TRANS. CODE §§551.403 (to and from a golf course) and 551.404 (crossing certain roadways).

(d) It shall be an offense for any person to operate a golf cart on any public highway within the city in violation of the conditions set forth in subsection (a) and upon conviction of any such offense, a person shall be fined in an amount not to exceed \$200.00.

SECTION 2. Conflicting Provisions.

That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. Severability.

If any clause, section, or other part or application of this ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

SECTION 5. Effective Date.

This ordinance shall become effective ten (10) days after the caption of this ordinance has been published in the Archer County News.

PASSED AND APPROVED on September 15, 2016

Kelvin Green, Mayor

ATTEST:

Kim Whitsitt, City Secretary