

**CITY OF ARCHER CITY
ORDINANCE NO. 360**

AN ORDINANCE OF THE CITY OF ARCHER CITY, TEXAS, AMENDING SECTION 12.02.004, "OPERATION OF GOLF CARTS," OF CHAPTER 12, "TRAFFIC AND VEHICLES," OF THE CODE OF ORDINANCES, CITY OF ARCHER CITY, TEXAS TO REGULATE THE USE OF GOLF CARTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Archer City, Texas, is a Type A general-law municipality located in Archer County, Texas, created in accordance with Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Archer City previously adopted regulations codified in Chapter 12 of the Code of Archer City regulating operation of golf carts within the City; and

WHEREAS, the City Council now desires to amend those regulations in the best interest of the public health, safety, and welfare of the citizens and the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCHER CITY:

SECTION 1.

Section 12.02.004 of Chapter 12, "Traffic and Vehicles," is hereby amended to read as follows:

"Sec. 12.02.004 Operation of golf carts

(a) Definitions. These terms shall have the following meanings:

(1) Driver's license. An authorization issued by the Texas Department of Public Safety for operation of a motor vehicle. The term includes a temporary license or instruction permit and an occupational license.

(2) Golf cart. Golf cart shall have the meaning assigned by Texas Transportation Code, Section 551.401, as amended, which currently defines it as a motor vehicle designed by the manufacturer primarily for use on a golf course.

(3) Operate. To drive or have physical control over a vehicle on a street or in a public area designated for motor vehicle use.

(4) Operator. Any person driving and having physical control over a vehicle on a street or in a public area designated for motor vehicle use.

(5) Public highway. Any public roadway in the City of Archer City, Texas, by whatever name (e.g., road, alley, avenue, highway, route, or boulevard) that is open to vehicular traffic.

(b) 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 25 miles per hour.

(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 Texas Transportation Code, Sections 551.403 (to and from a golf course) and 551.405 (crossing certain roadways).

(d) A golf cart operated under this section must be equipped with the following equipment as mandated by the Texas Transportation Code, Section 551.4041:

(1) operational headlamps;

(2) operational tail lamps;

(3) side reflectors;

(4) operational parking brake;

(5) rearview mirror(s);

(6) "slow-moving-vehicle emblem" as defined by Texas Transportation Code, Section 547.703; and

(7) a license plate as required by Texas Transportation Code, Section 551.402(b).

(e) All operators of golf carts shall:

(1) be licensed to operate a motor vehicle as provided by Texas Transportation Code, Section 521.021, as amended, and carry a valid driver's license as provided by Texas Transportation Code, Section 521.025. All state law driver's license permissions and restrictions shall apply to the operation of a golf cart;

(2) abide by all state and local traffic regulations applicable to vehicular traffic;

(3) not exceed the seating capacity of the vehicle as designed by the manufacturer;

- (4) maintain financial responsibility as defined in Texas Transportation Code, Sections 601.051-.052, unless the golf cart is being operated only as authorized by Section 551.403, which allows for the operation of a golf cart to and from a golf course; and
- (5) not intentionally or knowingly allow an unlicensed operator to operate the vehicle.
- (f) Operation of a golf cart is permitted twenty-four (24) hours a day so long as it is operated in compliance with state law and this ordinance.
- (g) 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 this section and upon conviction of any such offense, a person shall be fined in an amount not to exceed \$200.00.”

SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Archer City, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$200.00.

SECTION 5.

All rights and remedies of the City of Archer City are expressly saved as to any and all violations of the ordinances of the City of Archer City related to the operation of golf carts within the City that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary is authorized and directed to cause publication of the descriptive caption and penalty clauses of this Ordinance as provided by law.

SECTION 7.

This Ordinance shall be in full force and effect from and after its passage and publication, and it so ordained.

PASSED AND APPROVED this 21st day of October, 2021.

Kelvin Green, Mayor

ATTEST:
Kim Whitsitt, City Secretary