

**CITY OF LAKE DALLAS, TEXAS
ORDINANCE NO. 2019-30**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS AMENDING THE LAKE DALLAS MUNICIPAL CODE, CHAPTER 102 "TRAFFIC AND VEHICLE" BY ADDING ARTICLE VIII "GOLF CARTS"; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED \$500.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it to be necessary for the protection of public safety to prohibit the operation of golf carts on public streets within the City in the absence of regulations that promote the safe use and operation of such vehicles on public streets; and

WHEREAS, the City Council of the City of Lake Dallas, Texas, finds it to be in the public interest to amend the Lake Dallas Municipal Code to provide for the regulation of golf carts operating on public streets within the City;

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

SECTION 1. The Lake Dallas Municipal Code Chapter 102 "Traffic and Vehicles" is amended by adding Article VIII titled "Golf Carts" to read as follows:

**ARTICLE VIII
GOLF CARTS**

102-401. Definitions

When used in this Article, the following words and phrases shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Driver. The person driving and having physical control over a golf cart.

Driver's license. An authorization issued by a state for the operation of a motor vehicle.

Golf cart. A motor vehicle designed by the manufacturer primarily for use on a golf course.

Owner. The person holding title to the golf cart.

Parking area. Those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

Permit. A certificate/decal of authorization issued to the applicant/owner by the City's police department authorizing the operation of the golf cart for which the permit was issued. The decal will display the month and year of expiration.

Permit holder. The person to whom a golf cart permit has been issued.

Public safety personnel. Any employee or officer of a governmental law enforcement agency or the City's fire department, or people serving as volunteers with the City's police department auxiliary.

Public way or public property. Real property owned, leased or controlled by a political subdivision of the state, a governmental entity or agency, or similar entity, or any property that is publicly owned or maintained or dedicated to public use, including but not limited to a path, trail, sidewalk, alley, street or highway, and a public park facility.

Public street. A publicly owned or dedicated road, street, drive, alley or other right-of-way for the use of vehicles within the City's corporate boundaries.

Sidewalk. The portion of a street that is between a curb or lateral line of a roadway and the adjacent property line and intended for pedestrian use.

Slow-moving vehicle emblem. A triangular emblem that conforms to standards and specifications adopted by the director of the Texas Department of Transportation pursuant to Texas Transportation Code Section 547.104 and is displayed in compliance with of the Texas Transportation Code Section 547.703.

Texas Transportation Code. The code as it currently exists or may be amended.

Sec. 102-402 Permitted and restricted

(a) No person, other than public safety personnel, may operate a golf cart on a public street and/or public parking area unless the person first obtains a permit in accordance with this Article and complies with the following:

- (1) The maximum speed limit on the public street on which the golf cart is operated is thirty-five (35) miles per hour or less;
- (2) The person has been issued and possesses a valid driver's license;
- (3) The person maintains current financial responsibility relating to operation of the golf cart as required for the operation of passenger vehicles in accordance with Texas Transportation Code Section 601.051 or other liability insurance relating to operation of a golf cart that provides substantially the same coverage

and with limits not less than those required by Texas Transportation Code Section 601.051;

(4) The person complies with all applicable federal, state and local laws and ordinances applicable to the operating and equipping a golf cart including displaying a license plate issued under Texas Transportation Code Section 551.402;

(5) The golf cart being operated by the person is equipped with the following equipment, which must continuously remain in good working and operational order:

(A) Two (2) headlamps;

(B) Two (2) tail lamps;

(C) Turn signals visible from both the front and the rear of the vehicle;

(D) Side reflectors (two (2) front, amber in color and two (2) rear, red in color);

(E) Parking brake;

(F) Rearview mirror(s) capable of a clear, unobstructed view of at least two hundred feet (200') to the rear;

(G) Slow-moving vehicle emblem located on the rear of the vehicle;

(H) Seat belts in numbers equal to the number of passengers for which the vehicle is rated by the vehicle's manufacturer; and

(6) The golf cart being operated otherwise complies with all applicable state and federal motor vehicle safety standards, as they exist or may be amended;

(7) While the golf cart is in motion, the driver and every passenger are seated, with a seat belt dedicated and designed to hold passengers. No person may stand or ride in the lap of the driver and/or another passenger of a golf cart while it is being operated on a public street; and

(8) The person is not operating the golf cart on any portion of E. Swisher Road or W Swisher Road, except to cross at the intersection of Swisher Road and N Shady Shores Road.

(b) It shall be a defense to a violation of subsection (a)(4) relating to the failure to display a license plate issued under Texas Transportation Code Section 551.402 if at the

time of the offense the Texas Department of Motor Vehicles or the Denton County Tax Assessor-Collector has failed to commence the issuance of license plates for golf carts pursuant to Texas Transportation Code Section 551.402 and 43 T.A.C. §217.45.

Sec. 102-403 Additional operational regulations for all golf carts

- (a) Except for public safety personnel or as provided by other ordinances, no person shall operate a golf cart on or within any public park, public sidewalk, public pedestrian walkway, public jogging path, public park trail or any other location on publicly owned or controlled property normally used for pedestrian traffic.
- (b) The driver shall move the golf cart to the right of the public street and yield the right-of-way to faster-moving vehicles.
- (c) The driver shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (d) No driver shall operate a golf cart between lanes of traffic or between adjacent lines or rows of vehicles.
- (e) A driver operating a golf cart on a public street shall cross a multi-lane federal, county or state route only at an intersection controlled by an official traffic-control device which stops traffic from all directions.
- (f) No driver shall operate a golf cart if the number of occupants in the golf cart, including the driver, exceeds the number of seat belts installed and provided on the golf cart.
- (g) The driver and all passengers in a golf cart must be wearing a seat belt while the golf cart is in motion.
- (h) Golf carts may not be used for the purpose of towing another golf cart, trailer or vehicle of any kind including, without limitation, a person on roller skates, skateboard or bicycle.

Sec. 102-404 Liability

- (a) Nothing in this Article shall be construed as an assumption of liability by the City for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart by an authorized driver.
- (b) An owner of a golf cart is liable for the intentional or negligent actions of any person to whom the owner grants permission to operate the owner's golf cart whether such operation occurs on private property and/or any authorized public street or public

parking area, and includes, but is not limited to liability for personal injuries (including death) or property damage resulting from the acts of a person under the age of twenty-one (21) who operates the owner's golf cart whether or not possessing a current and valid driver's license.

Sec. 102-405 Permit required

(a) No person shall operate, cause to be operated, or allow the operation of a golf cart on any authorized public street or public parking area unless a valid permit has been issued for the golf cart pursuant to this Section. It shall be a defense to a violation of this Section that operation is otherwise allowed by federal or state law or other City ordinance exempting such operation from the regulations of this Article.

(b) Application for a permit authorizing the operation of a golf cart shall be made by a person who owns, leases or otherwise uses the golf cart for which the permit is sought. Such application shall be made in writing to the City's police department on a form designated for that purpose. An application for a permit required by this Section shall contain at least the following:

- (1) The name, address, telephone number and state driver's license number of the owner of the golf cart for which the permit is requested;
- (2) The street address where the golf cart is kept, including the particular suite or apartment number, if applicable;
- (3) The name of the residents residing at and/or business name used for the premises where the golf cart is kept, if applicable;
- (4) The year, make, model, color, vehicle identification number and/or serial number of the golf cart;
- (5) Whether the golf cart is powered by an electric or gasoline engine;
- (6) A copy of an insurance declaration showing liability insurance has been obtained with respect to the golf cart as required by Sec. 102-402(3); and
- (7) An affidavit whereby the applicant under oath swears and affirms that the golf cart for which the permit is sought is fully equipped as required by Sec. 102-402.

(c) The permit shall be permanently affixed on the left side of the golf cart in such a manner that it is clearly visible from fifty feet (50'). The permit must not be damaged, altered, obstructed or otherwise made illegible. The permit holder shall apply for a

replacement permit and pay all applicable cost associated with the issuance and inspection of the golf cart.

(d) The permit shall only be placed upon the golf cart for which it was issued.

(e) A permit issued to the owner of a golf cart shall become invalid if the golf cart is altered in a manner that fails to comply with any requirement of this Article.

(f) Permits are valid for a period of (2) two years from the date issued.

(g) No permit shall be issued pursuant to this Section until the applicant has paid the permit fee established by ordinance or resolution of the City Council and made a part of the City's master fee schedule. No fee shall be required to obtain a permit pursuant this Section until the City Council has adopted a resolution adopting such fee.

(h) Not later than ten (10) days after:

(1) An owner transfers title to the golf cart to another owner; or

(2) The address of the normal storage location for the golf cart has changed;

the permit holder shall notify the City in writing of the changes in ownership or storage location submitted on a form designated by the City's police department.

(i) Lost or stolen permits are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit. If no record can be found of a previous application for a permit, or the receipt of a permit, the chief of police or his designee, may direct the applicant to reapply, and also resubmit any and all fees necessary before a replacement permit is issued.

(j) Any person who operates a golf cart and fails to receive and properly display a permit required by and issued in accordance with this Section will be subject to all applicable state laws, in addition to being in violation of this Article.

(k) A permit may be revoked at any time by the chief of police, or his designee, if there is any evidence that any driver or passenger, or a combination of drivers or passengers, of a permitted golf cart has been issued three citations while operating a golf cart for violations of this chapter, the traffic laws of the State of Texas, any other ordinance of the Lake Dallas Code of Ordinances, or a combination of, within the period that the permit is valid.

(l) A person commits an offense when making a false statement in the application for a permit under this Section, including, but not limited to, any factual statement regarding

the condition of the golf cart for which a permit is sought and the manner in which such golf cart is equipped.

Sec. 102-406 License to be carried and exhibited on demand

- (a) A driver shall:
 - (1) Have in the driver's possession while operating a golf cart on a public street, the driver's license issued to the driver pursuant to Chapter 521 of the Texas Transportation Code; and
 - (2) Display the license on the demand of a magistrate, court officer, or peace officer.
- (b) A person who violates this Section commits an offense.
- (c) It is a defense to prosecution under this Section if the person charged produces in court a driver's license:
 - (1) Issued to that person; and
 - (2) Valid at the time of the offense.
- (d) The court may assess a defendant an administrative fee not to exceed \$10.00 if a charge under this Section is dismissed because of the defense listed under Subsection (d) of this Section.

Sec. 102-407 Evidence of financial responsibility

- (a) As a condition of operating a golf cart to which this Article applies, the driver of the golf cart on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting proof that the driver has obtained the insurance required by Sec. 102-402(3).
- (b) Except as provided by Subsection (c), below, an operator who does not exhibit evidence of financial responsibility under Subsection (a) is presumed to have operated the vehicle in violation of Sec. 102-402.
- (c) It is a defense to prosecution under this Section if the person charged produces in court proof of the required insurance:
 - (1) Issued to that person; and

(2) Was in effect at the time of the offense.

(d) The court may assess a defendant an administrative fee not to exceed \$10.00 if a charge under this Section is dismissed because of the defense listed under Subsection (c) of this Section.

Sec. 102-408 Exception: City employees

Except as may otherwise be prohibited by state law, operation of a golf cart by an employee of the City on any public street or public parking area while acting within the course and scope of the person's employment with the City is exempt from the provisions of this Article.

Sec. 102-409 Reciprocity

A resident of the Town of Hickory Creek, the Town of Shady Shores, or the City of Corinth who has received from the person's city of residence a permit to operate a golf cart on a public street within the city in which the person resides may operate a golf cart on the public streets within the City in accordance with the provisions of this Article without having first obtained a permit in accordance with Section 102-405 if:

(a) The city issuing the permit to said person has adopted an ordinance regulating the equipping of a golf cart being operated on a public street that is the same as Section 102-402, subsections (4), (5), and (6); and

(b) The other city where the person resides has adopted an ordinance exempting a resident of the City who has received a permit pursuant to Section 102-405 from any requirement to obtain a permit to operate a golf cart on the public streets within such other city to the same extent as provided in this Section 102-409.

Sec. 102-410 Exception: parades

This Article shall not apply to a golf cart that is operated on an approved parade route and participating in a parade conducted within the City.

SECTION 2. Should any section, paragraph, sentence, subdivision, clause, phrase or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City of Lake Dallas.

SECTION 3. An offense committed before the effective date of this ordinance is

governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this ordinance, and upon conviction shall be punished by fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense.

SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY ADOPTED AND APPROVED by the City Council of the City of Lake Dallas, Texas, on this the 24th day of October 2019.

APPROVED:


Michael Barnhart, Mayor

ATTEST:


Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:


Kevin B. Laughlin, City Attorney
(kbl:10/17/19:111076)

