

ORDINANCE NO. 2015-38

AN ORDINANCE OF THE CITY OF BOERNE, TEXAS AMENDING CHAPTER 12, MOTOR VEHICLES AND TRAFFIC ADDING ARTICLE VI OPERATION OF VEHICLES SECTION 186 TO PERMIT THE USE OF GOLF CARTS IN THE CITY ON CERTAIN PUBLIC STREETS DURING THE HOLIDAY SEASON AND SUBJECT TO COMPLIANCE WITH PERMIT REGISTRATION, HAVING SPECIFIED SAFETY EQUIPMENT AND MOTOR VEHICLE INSURANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A FINE OF UP TO \$500.00 PER VIOLATION

WHEREAS, Section 551.403 of the Texas Transportation Code prohibits the operation of Golf Carts upon certain streets within the City; and

WHEREAS, Section 551.404 of the Texas Transportation Code provides that a governing body of a municipality may authorize the use of a Golf Cart on all or part of the Public highways within the boundaries of the municipality; and

WHEREAS, the City Council finds that the seasonal use of a Golf Cart may be appropriate in certain situations and under strict provisions of this ordinance in the City of Boerne, Texas; and

WHEREAS, the City Council believes that allowing the seasonal use of Golf Carts for the specific purposes and the strict provisions delineated herein may be deemed beneficial; and

WHEREAS, the seasonal use of Golf Carts as contemplated herein will decrease delivery traffic within the City's neighborhoods, thereby easing traffic congestion, and is therefore in the best interest of the City's public safety, health and welfare.

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

PART 1.

A. In this section the following definitions apply:

- 1) "Authorized Operator" means a person that uses a Golf Cart for the purpose of delivering parcels while in the course of employment with an entity whose primary business is the delivery of parcels.
- 2) "Golf Cart" means a ~~Motor~~ Vehicle designed by the manufacturer primarily for use on a golf course, that has no less than three wheels, has a maximum speed between 15 and 25 mile per hour, and may be modified for parcel delivery.
- 3) "Holiday Season" means the period of time starting November 15 and ending January 5 of each year.
- 4) "~~Motor~~ Vehicle" means any method by which someone travels or something is carried or

conveyed; a conveyance that is propelled or drawn by mechanical power. ~~vehicle of any type propelled or drawn by mechanical power.~~

- 5) "Public highway" means a road, street, way, thoroughfare, or bridge:
 - a. That is in the state;
 - b. That is for the use of Vehicles;
 - c. That is not privately owned or controlled; and
 - d. Over which the state has legislative jurisdiction under its police power.

- 6) "Slow moving emblem," pursuant to V.T.C.A., "Transportation Code," Section 547.001(8), means:
 - a. A triangular emblem that has a reflective surface designed to be clearly visible during daytime at a distance of at least 500 feet; and
 - b. Is displayed in accordance with V.T.C.A., "Transportation Code," Section 547.703, requiring that such emblem be mounted base down on the rear of the ~~Motor~~ Vehicle at a height from three to five feet above the road surface.

B. Operation of a Golf Cart:

During the Holiday Season, an authorized operator may operate a Golf Cart on a Public highway within the city limits, for which the posted speed limit is not more than 35 miles per hour, where each of the following requirements is met:

- 1) The Golf Cart being operated has the following equipment:
 - i. Headlamps;
 - ii. Tail lamps;
 - iii. Reflectors;
 - iv. Parking brake;
 - v. Safety Belts; and
 - vi. Mirrors.
- 2) A Golf Cart is required to visibly display a slow-moving Vehicle emblem at the rear of the Vehicle and/or any attachment thereto when it is operated on a Public highway, as required by V.T.C.A., "Transportation Code," Sections 547.703(a) and (d);
- 3) A Golf Cart is required to display a sign or emblem for which the Authorized Operator is operating;
- 4) Golf Cart operation is restricted to a Public highway directly within a residential area;
- 5) Golf Cart operation is prohibited from crossing and/or driving on state designated highways (including, but not limited to, IH 10 and its frontage roads, U.S. 87, S.H. 46, F.M. 474 and 1376) and the following city roads: Adler Road, Esser Road, Herff Road, Johns Road, Old San Antonio Road, Ranger Creek Road, School Street, and Upper Balcones Road.
- 6) The authorized operator of a Golf Cart must:
 - i. Possess a valid driver's license that authorizes operation of a ~~Motor~~ Vehicle on Public highways;
 - ii. Carry evidence of financial responsibility consistent with V.T.C.A., "Transportation Code," Section 601.051, as amended, for operation of ~~Motor~~ Vehicles; and
 - iii. Obey all state and local traffic laws.
- 7) The entity for which the Authorized Operator is employed, ~~or the entity for which the Authorized Operator works,~~ must notify the City Manager of when and where the Golf Carts will be operated and provide identifying and contact information.

C. Deliveries:

Golf Cart deliveries may occur only between the hours of 10 a.m. and 4 p.m. ~~during daylight hours and~~ Deliveries may only be made to residential units and/or dwellings. Golf Cart deliveries are not allowed to be made to ~~for any~~ commercial properties.

D. Liability:

Nothing in this ordinance is to be constructed as an assumption of liability by the city for any damages, to include personal injury, property damage or otherwise, which may result from the operation of a Golf Cart authorized by this ordinance. The Authorized Operator of a Golf Cart is responsible for the safe operation of a Golf Cart allowed under the ordinance.

E. Offense:

Any person who operates a Golf Cart in violation of any provision or requirements of this ordinance will be deemed guilty of a misdemeanor and upon conviction will be punished by a fine of not less than \$50.00 or more than \$500.00. Each violation of this article is a separate offense.

PART 2. This ordinance shall take effect immediately upon passage.

PASSED and APPROVED on first reading this the 27th day of October, 2015.

PASSED, APPROVED and ADOPTED on second reading this the 10th day of November, 2015.

APPROVED:

s/s Michael D. Schultz
Mayor

ATTEST:

s/s Lori A. Carroll
City Secretary

APPROVED AS TO FORM:

s/s Kirsten B. Cohoon
City Attorney