

ORDINANCE NO. 2021-11

AN ORDINANCE AMENDING CHAPTER 110, ENTITLED "TRAFFIC AND VEHICLES" OF THE LEAGUE CITY CODE OF ORDINANCES BY AMENDING ARTICLE XI, ENTITLED "MOTORIZED CARTS" OF TO UPDATE VARIOUS PROVISIONS TO BE CONSISTENT WITH STATE LAW; PROVIDING FOR CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That Article XI, entitled "Motorized Carts" shall be amended as indicated in Exhibit A, which is attached and incorporated herein.

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall become effective on passage.

PASSED first reading the ____ day of _____, 2021.

PASSED second reading the ____ day of _____, 2021.

PASSED AND ADOPTED the ____ day of _____, 2021.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney

Exhibit A

ARTICLE XI. - MOTORIZED CARTS

Sec. 110-319. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

Cart path means an improved path designed for the sole movement of a golf cart. A cart path shall be designed and constructed as designated by the city engineer.

Driver means the person driving and having physical control over the motorized cart.

Driver's license means an authorization issued by a state for the operation of a motor vehicle. The term includes a temporary license or an occupational license.

Golf cart means a motor vehicle designed by the manufacturer primarily for use on a golf course and has a maximum speed of 25 miles per hour.

Motorized cart means golf carts, recreational off-highway vehicles, and utility vehicles as herein defined.

Multi-use cart path means a path used, designed and constructed to facilitate the movement of motorized carts and pedestrian traffic. The multi-use path is designated by a sign at the entrance and exit of the path and further designated by multi-use path signs placed at 150-foot intervals in each direction. The multi-use path shall be designed and constructed in accordance with generally accepted engineering practices and approved by the city engineer.

Owner means the person holding title to the motorized cart.

Parking area means 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.

Public cart path means an improved path designed for the sole movement of a golf cart which is available for use by the general public.

Public Highway includes a road, street, way, thoroughfare, or bridge that is for the use of vehicles, is not privately owned or controlled, and over which the state has legislative jurisdiction.

Recreational off-highway vehicle means a motor vehicle that is equipped with side-by-side seating for the use of the operator and one or more passengers, designed to propel itself with four or more tires in contact with the ground, designed by the manufacturer for off-highway use only, and not designed by the manufacturer primarily for farming or lawn care.

Sidewalk means 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.

Trafficway is any land way open to the public as a matter of right or custom for moving persons or property from one place to another. The trafficway includes all property, both improved and unimproved, between the property lines of a roadway system.

Utility Vehicle means a motor vehicle that is not a golf cart or a lawn mower and is equipped with side-by-side seating for the use of the operator and passenger, designed to propel itself with at least four tires in contact with the ground, designed by the manufacturer for off-highway use only, and designed by the manufacturer primarily for utility work and not for recreational purposes.

Sec. 110-320. Operation of Motorized Carts.

- (a) An operator may operate a motorized cart on a roadway in the City of League City only as provided below:

- (1) To cross a highway at an intersection, including an intersection with a highway that has a posted speed limit of more than 35 miles per hour; or
 - (2) On a highway for which the posted speed limit is not more than 35 miles per hour.
- (b) Pursuant to Texas Transportation Code Section 551A.054 and in the interest of safety, all off-highway vehicles, as that term is defined in Texas Transportation Code Section 551A.001, are prohibited from operation on a highway except as provided in Subsection (a).
- (c) In addition, the operation of motorized carts is authorized in the following circumstances:
- (1) The operation of golf carts at golf courses, private clubs or on private property, with the consent of the owner, or the use of a motorized cart in connection with a parade, a festival or other special event provided the consent of the sponsor is obtained and provided such vehicle is only used during such event.
 - (2) A peace officer or other person who provides law enforcement, firefighting, ambulance, medical, or other emergency services, including a volunteer firefighter, may operate a motorized cart on a highway that is not an interstate or limited-access highway if the operation is in connection with the performance of the operator's official duty;
 - (3) The use of motorized carts by City of League City personnel for official business on city owned property and city leased property;
 - (4) The operation of a motorized cart bearing license plates issued under Section 551.452 of the Texas Transportation Code for the purpose of picking up or delivering mail, parcels, packages on all or part of a public highway that has a speed limit of not more than 35 miles per hour.

Sec. 110-321. Motorized cart required equipment.

- (a) A golf cart operated on a highway pursuant to this Article shall be equipped with the safety equipment required by Texas Transportation Code Section 551.4041, Texas Transportation Code Chapter 547, and shall display a golf cart license plate issued by the Texas Department of Motor Vehicles.
- (b) A recreational off-highway vehicle or utility vehicle operated on a highway pursuant to this Article shall be equipped with the safety equipment and display lights as required by Texas Transportation Code Section 551A.071, Texas Transportation Code Chapter 547, and shall display an off-highway vehicle license plate issued by the Texas Department of Motor Vehicles.

Sec. 110-322. License and financial responsibility required.

An operator operating a motorized cart as authorized by this Article shall carry on the operator's person a valid driver's license and proof of valid liability insurance covering that operator's operation of said motorized cart and meets the requirements of subchapter D of Texas Transportation Code Chapter 601.

Sec. 110-323. Operational regulations.

- (a) Operators of motorized carts shall obey all traffic regulations applicable to vehicular traffic when operating a motorized cart pursuant to this Article.
- (b) Motorized carts shall not be operated on any sidewalk, pedestrian walkway, jogging path, park trail or any location normally used for pedestrian traffic except for official police business or by League City personnel conducting a required job function directly related to their assigned duties.

- (c) All motorized carts are entitled to full use of a lane on the authorized streets and parking areas of the city and no motor vehicle shall be driven in such a manner as to deprive any motorized cart of the full use of a lane.
- (d) The driver of a motorized cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (e) No driver shall operate a motorized cart between lanes of traffic or between adjacent lines or rows of vehicles.
- (f) The number of occupants in a motorized cart shall be limited to the number of persons for whom factory seating is installed and provided on the motorized cart. The operator and all passengers shall be seated upon the seating of the motorized cart and no part of the body of the operator or any passenger shall extend outside the perimeter of the motorized cart while the motorized cart is being operated. The operator shall not permit any person to ride in the lap of any occupant of the cart while the cart is in motion.
- (g) Children must be properly seated while a motorized cart is in motion and may not be transported in a reckless or negligent manner. No person younger than eight years of age may be transported in a motorized cart unless restrained by a safety seat system appropriate to the age and size of the child, in accordance with Texas Transportation Code Section 545.412.
- (h) Motorized carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing or parking of motorized carts in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or a passageway is prohibited. No person may park a motorized cart within any space designated for disabled persons unless a current disabled parking placard is displayed and the person to whom the placard was issued is operating or being transported by the cart.
- (i) Motorized carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind including a person on roller skates, skateboard or bicycle. A person employed by a golf course may tow a cart(s) for the purpose of relocating the cart(s) from one portion of a golf course to another portion of the same golf course.
- (j) Motorized carts shall not be operated during inclement weather or when visibility is impaired by weather, smoke, fog, or other condition, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet.

Sec. 110-324. Offense.

- (a) Any person who operates a golf cart or off-highway vehicle, as that term is defined in Texas Transportation Code Chapter 551A, in a manner that violates this Article shall be guilty of a misdemeanor and upon conviction fined not more than five hundred dollars.
- (b) Any owner of a golf cart or off-highway vehicle that allows another to operate said golf cart or off-highway vehicle in a manner that violates this Article shall be guilty of a misdemeanor and upon conviction fined not more than five hundred dollars.