

ORDINANCE NO. 168-102013

AN ORDINANCE OF THE CITY OF GARDEN RIDGE, TEXAS AUTHORIZING CITY EMPLOYEES TO USE GOLF CARTS OR UTILITY VEHICLES ON CERTAIN PUBLIC STREETS; AUTHORIZING MEMBERS OF THE PUBLIC TO USE GOLF CARTS ON CERTAIN PUBLIC STREETS ONLY WHEN SUCH USE IS IN PARTICIPATION OF THE CITY SPONSORED ANNUAL 4TH OF JULY PARADE; AUTHORIZING MEMBERS OF THE PUBLIC TO USE GOLF CARTS OR RECREATIONAL OFF-HIGHWAY VEHICLES ON CERTAIN PRIVATE STEETS IN GATED SUBDIVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE; REPEALER CLAUSE; PREEMPTION CLAUSE; SEVERABILITY; AND PROPER NOTICE AND MEETING

WHEREAS, Texas Transportation Code Section 551.404 authorized the governing body of a municipality to allow an operator to operate a golf cart on all or part of a public highway that is in the corporate boundaries of the municipality and has a posted speed limit of not more than 35 miles per hour; and

WHEREAS, for the purposes of Texas Transportation Code Section 551.404 the terms "Golf Cart", "Utility Vehicle" and "public highway" have the meanings assigned by Texas Transportation Code Section 551.401; and

WHEREAS, the term "Recreational off-highway vehicle" has the meaning assigned by Texas Transportation Code Section 502.001; and

WHEREAS, Council finds that it is beneficial to the environment, cost effective for the City and safe to allow City employees, under the supervision of the city administrator, to use golf carts or utility vehicles on those public streets within the City that have a posted speed limit of not more than 35 miles per hour where such use is pursuant to official city business; and

WHEREAS, Council finds it to be a risk to the health, safety and general welfare of the public at large to authorize members of the general public to use golf carts on

public streets within the City except to participate in the City sponsored annual July 4th parade; and

WHEREAS, Council finds that sufficient safety precautions shall be taken to allow members of the public to operate golf carts in the City sponsored annual July 4th parade; and

WHEREAS, Council finds that it is beneficial to the environment, cost effective and convenient for the residents and safe to allow the general public to use golf carts or recreational off-highway vehicles on private streets in gated subdivisions within the city limits where traffic is controlled by the Garden Ridge Police Department and that have a posted speed limit of not more than 35 miles per hour; and

WHEREAS, Council finds that Golf Carts should not be operated on any public highway within the corporate boundaries of the municipality in a manner contrary to the provisions of this Ordinance:

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

I. SECTION ONE.

Pursuant to Texas Transportation Code Sections 551.404 and 542.008, the City of Garden Ridge, Texas, authorizes:

- a) City Employees to use Golf Carts or Utility Vehicle on all or part of a public highway that is in the corporate boundaries of the municipality and that has a posted speed limit of not more than 35 miles per hour when such use is in furtherance of the employees' official duties and is authorized by the City Administrator or the City Administrator's designee; and

- b) members of the public to use Golf Carts on all or part of a public highway only when such use is in participation of the City sponsored annual 4th of July Parade; and
- c) members of the public to use Golf Carts or recreational off-highway vehicles on private roads in gated subdivisions where traffic control is enforced by the Garden Ridge Police Department and which have a posted speed limit of not more than 35 miles per hour.

II. SECTION TWO.

Pursuant to Texas Transportation Code Section 551.404 (b), any Golf Cart or Utility Vehicle operated pursuant to the authority of this Ordinance on all or part of a public highway section must have the following equipment:

- a) headlamps;
- b) tail-lamps;
- c) reflectors;
- d) parking brake; and
- e) mirrors.

VIII. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

IX. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

X. PREEMPTION

Should any State or Federal law be enacted which prohibits the enforcement of this ordinance in its entirety than this ordinance shall automatically be repealed.

XI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

V. EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this the 2nd day of October, 2013.

CITY OF GARDEN RIDGE, TEXAS



ANDREW DALTON, MAYOR

ATTEST:



SHELLY GOODWIN, CITY SECRETARY

Approved as to form:

GEORGE E. HYDE, CITY ATTORNEY

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