

ORDINANCE NO. ~~21~~-023

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED", CHAPTER 34, "TRAFFIC" ARTICLE IX, "GOLF CARTS", OF THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED, RELATING TO "GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND OFF HIGHWAY VEHICLES; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR PENALTY FOR VIOLATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there has been a proliferation in the use of golf carts and electric vehicles on the streets of the City of Galveston which has garnered the attention of the citizens of this City as well as that of City Council; and

WHEREAS, the use of these vehicles has grown and has had a negative impact on traffic in the City of Galveston, causing congestion and increasing the risk of accidents and injuries; and

WHEREAS, the Texas Transportation Code Sec. 551.304, provides the City may prohibit the operation of a neighborhood electric vehicle (NEV) on a street or highway if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

WHEREAS, the Texas Transportation Code Sec. 551.403, provides the City may prohibit the operation of a golf cart on a street or highway if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

WHEREAS, the Texas Transportation Code Sec. 551A.054, provides the City may prohibit the operation of an off highway vehicle on a street or highway if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

WHEREAS, the City Council has determined that the operation of off highway vehicles on the streets of the City of Galveston should be prohibited in the interest of public safety; and

WHEREAS, the City Council has determined that there are certain streets within the City upon which golf carts and neighborhood electric vehicle cannot be operated safely and therefore their operation is prohibited on those streets, as specifically provided within this Ordinance below; and

WHEREAS, the City Council has determined that, given the traffic congestion in the City that golf carts and neighborhood electric vehicles can be operated safely only if they are equipped with certain equipment as specified within this Ordinance below; and

WHEREAS, the terms of the Ordinance will further enhance the City's ability to ensure equal enforcement of parking of golf carts and neighborhood electric vehicles in those areas where there is designated paid parking; and

WHEREAS, the office of the City Marshal is designated as the department to regulate permits for golf carts, neighborhood electric vehicles (NEV's), and off highway vehicles; and

WHEREAS, the City Council deems it in the public's interest to amend the Code of the City of Galveston 1982, as amended", Chapter 34, "Traffic" Article IX, "Golf Carts" providing for clarification, definitions, amending requirements and locations of travel; providing for regulations pertaining to golf carts, neighborhood electric vehicles and off highway vehicles, and designating the City Marshal to regulate golf carts and neighborhood electric vehicles, and off highway vehicles, as provided in **Section 2** below.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 34, "Traffic" of "The Code of The City of Galveston 1982, as amended," is amended as follows:

ARTICLE IX. – GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES, & OFF HIGHWAY VEHICLES.

Sec. 34-202. - Definitions.

As used in this Article, the following terms shall have the meanings respectively ascribed to them in this section:

Commercial Owner: an individual, or entity which owns or operates golf carts and/or NEV's for the purpose of sale, lease, or rental.

Department: The Marshal's Office, or as otherwise designated by the City Manager.

Director: the Department Director designated by the City Manager.

Golf Carts: means a motor vehicle designed by the manufacturer primarily for use on a golf course pursuant to Texas Transportation Code 551.401. As used in this chapter the term "golf cart" shall include Neighborhood Electric Vehicles.

Neighborhood electric vehicle aka "NEV": means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface as defined in Texas Transportation Code 55.301 and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

Off-highway vehicle: means an all-terrain vehicle, recreational off-highway vehicle, or utility vehicle pursuant to Texas Transportation Code Ch. 551A.

Private Owner: an individual, who owns a golf cart and/or NEV for personal use.

Sec. 34-202-203. - Prohibited on public streets.

(a) Off highway vehicles may not be operated on public roads or on the beach within the City of Galveston; this prohibition does not extend to uses by governmental entities.

(b) Neither NEV's nor golf carts are not permitted on public streets as follows:

- (1) Where the posted speed limit exceeds thirty-five (35) miles per hour;
- (2) Avenue "O" between 53rd and 15th Streets and Avenue "P", between 19th and 53rd Streets; or
- (3) The Pelican Island Causeway; and,
- (4) Streets which are designated as part of the state highway system, or as identified herein to include; but not limited, to the following:
 - a. State Highway (SH); 275: Harborside Drive from IH 45 to Ferry Road;
 - b. Spur 342: 61st Street from IH 45 to Seawall Blvd;
 - c. State Highway (SH); 87: Broadway Blvd from 59th Street to 6th Street, Seawall Blvd from 6th Street to Ferry Road and Ferry Road from Seawall Blvd to Ferry Landing;
 - d. Farm to Market Road (FM) 3005: Seawall Blvd west from 61st Street to the end of the Seawall Blvd then west on San Luis Pass Road all the way to the toll bridge;
 - e. Farm to Market Road (FM) 188: also known as Teichman Road;
 - f. Interstate Highway (IH): 45 Inbound from the city limits on the north side of the Causeway to 59th Street;
 - g. Park Road: At the State Park out west;
 - h. State Highway (SH): 168: Fort Point Road off of Ferry Road (leads to the Coast Guard Base).

(c) The prohibitions set out in the preceding subsection (b) are in addition to any prohibitions which exist under the laws of the State of Texas.

(3) Which are designated as part of the state highway system, including the "Pelican Island Causeway".

Sec. 34 - 204. License Plates.

(a) Except as provided, no golf cart may be operated in the City of Galveston without a license plate.

(b) No NEV may be operated in the City of Galveston unless it has been registered in accordance with the Texas Transportation Code.

(c) An all-terrain vehicle utilized by a governmental unit must have a license plate issued by the Texas Department of Motor Vehicles pursuant to state law.

(d) The license plate issued by the Texas Department of Motor Vehicles must be permanently affixed on the golf cart, or NEV, in the rear on the left side and must be unobstructed and clearly visible.

(e) Golf carts operated exclusively in a Master Planned Community in accordance with state law are not required to obtain a license plate.

Sec. 34-203. 205. - Registration permit Permit.

Before any golf cart may be operated over the authorized streets and parking areas of the city, it must be registered and provided a permit with the police department of the city. Registration for a registration permit will consist of an annual fee of twenty five dollars (\$25.00 which covers the administrative costs of such registration, to include a registration permit decal. The registration permit process includes the following specifics:

Before any golf cart or NEV may be operated over the authorized streets and parking areas of the city, it must be permitted with the Marshal's Office of the city of Galveston. The permit process includes the following:

- (1) Applicant shall complete the city-supplied registration permit application form, which shall contain the and provide proof of the following:
 - a. Name and address of the applicant owner.
 - b. Location where the vehicle is regularly stored overnight.
 - c. Model, make, name, current color photo and golf cart identification number of each golf cart or NEV. Current driver's license number of owner.
 - d. If applicable, the license plate number of the vehicle on the plate obtained from the Texas Department of Motor Vehicles;
 - e. Proof of financial responsibility consistent with the minimum requirements of the Texas Transportation Code, as amended, for operation of motor vehicles.
 - f. Golf cart/NEV inspection certificate from a city approved golf cart inspection site.
 - i. The inspection certificate shall have an embossed seal or other inspection site identification attached to, affixed, or otherwise made a part of the inspection certificate.
 - ii. A list of approved inspection sites may be obtained from the Marshal's Office or as determined by the City Manager.
 - g. If applicable, proof of registration with the Texas Department of Motor Vehicles;
 - h. Valid driver's license number of the owner.
 - i. Other information which the city may require.

Statement that all operators are required to be licensed pursuant to V.T.C.A., Transportation Code §§ 521.001(3) and 521.021, as amended, and that all equipment required herein is installed and will be kept current during the registration period.

- f. Statement that the registration permit holder and any user shall indemnify and hold harmless the city for any and all civil liability associated with said registration waives any and all rights to sue or allow subrogation by insurance company.

(2) The permit applicant shall:

- a. A private owner shall pay an annual fee of twenty-five dollars (\$25.00).
- b. A commercial owner shall pay an annual fee of one hundred fifty dollars (150.00).
- c. Read, Affirm and Sign:

- i. That all operators will be licensed pursuant to the Texas Transportation Code.
- ii. That all equipment required herein is installed and will be kept current and maintained.
- iii. That the permit holder and any user shall indemnify and hold harmless the City of Galveston for any and all civil liability associated with said permit, waives any and all rights to sue, or allow subrogation by an insurance company.

The registration permit application shall be:

- a. Accompanied by a fee of twenty five dollars (\$25.00).
 - b. Accompanied by proof of financial responsibility consistent with the minimum requirements of V.T.C.A., Transportation Code § 601.051, as amended, for operation of motor vehicles. Applicant owner must also show their original driver's license and shall provide copies of the both the owner's drivers license and proof of financial responsibility.
 - e. Signed by the applicant owner
- (3) Upon issuance, the registration permit decal shall be attached and displayed upon the right left front panel (driver's side) of the golf cart / NEV so as to be clearly visible.
- (4) The registration permit shall be effective for one (1) year from the date of registration, permit.

or such time as revoked or the golf cart is transferred to a new owner.

- (5) There shall be a dual registration permit process, whereby registration permits shall be issued principally for operation east of 103rd Street or west of 103rd Street.
- a. Registration permit applications for operation east of 103rd Street shall require applicants to verify that they have already added the additional safety equipment required for such operation by subsection 34-206(b).
 - b. Registration permits for operation:
 1. East of 103rd Street shall be issued a green color permit registration decal.
 2. West of 103rd Street shall be issued a red color permit registration decal.
 - e. Golf carts that are registered for operation east of 103rd Street may also be operated west of 103rd Street. Golf carts that are registered for operation west of 103rd Street may not be operated east of 103rd Street.

Sec. 34-204.206. - Revocation.

The registration permit may be revoked if:

- (1) The owner or driver of a golf cart /NEV fails to abide by the rules and regulations of this chapter.
- (2) The owner or driver of a golf cart NEV fails to abide by the traffic laws and the use of a golf cart /NEV on any authorized street or parking area.

- (3) The owner fails to maintain proof of financial responsibility during the entire permit registration period.

Sec. 34-205-207. - Transfer.

The registration permit is not transferable. Upon the transfer of ownership of the a golf cart /NEV to a person who intends to operate it over authorized streets and parking areas, the new owner must register obtain a permit for the golf cart /NEV and pay the registration permit fee.

as outlined hereinabove in section 34-203.

Sec. 34-206. 208.- Required equipment for golf cart or NEV registration permits.

- (a) A golf cart/NEV must be equipped with the following minimum equipment as mandated by V.T.C.A., the Texas Transportation Code § 551.404(a) as amended and/or required by the city. All safety equipment shall be maintained as provided by the Texas transportation code or applicable city ordinance: to be eligible for a registration permit:

- (1) Operational headlamps;
- (2) Operational tail lamps;
- (3) Side reflectors;
- (4) Operational parking brake;
- (5) Rearview mirror(s);
- (6) Slow moving vehicle sign (decal/emblem) having a reflective surface designed to be clearly visible in daylight or at night from the light of standard headlamps at a distance of at least five hundred (500) feet and shall be mounted base down on the rear of the vehicle at a height from three (3) to five (5) two (2) to four (4) feet above the road surface and shall be maintained in a clean reflective condition.

- (b) Additionally, golf carts registered for operation principally east of 103rd Street must also be equipped with:

- (1) (7) Turn signals;
- (2) (8) Horn;
- (3) (9) Brake lights; and
- (4) (10) Seat belts for the driver and each passenger.

Equipment and its installation must meet standards provided by the state transportation code, as amended.

- (c) All such safety equipment shall be maintained as provided by the state traffic laws within the state transportation code, as amended.

Sec. 34-207 209.- Operation regulations.

- (a) All drivers must be licensed to operate a motor vehicle as provided by the V.T.C.A., Texas Transportation Code § 521.021, as amended and carry a valid driver's license as provided by V.T.C.A., Transportation Code § 521.025.
- (b) All drivers of golf carts /NEV's shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the city.
- (c) Golf carts /NEV's shall not be operated or parked on sidewalks at any time.

- (d) The authorized driver of a golf cart /NEV operating the golf cart / NEV on a street (as defined herein) can cross an excluded street as provided in section 34-202, herein, but otherwise may not operate a golf cart/NEV on any excluded street.
- (e) Golf carts/NEV's are prohibited from pulling trailers, boats, jet skis, other objects or people on public streets and the right-of-way.
- (f) The number of occupants in a golf cart /NEV shall be limited to the number of persons for whom seating is installed and provided on the golf cart;
- ~~(f)~~(g) Driver and passengers shall:
 - (1) Be limited to limited to the seating capacity as designed by the manufacturer; or
 - (2) Be seated at all times while the cart is in motion and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart /NEV's while the cart is being operated. The operator shall not permit any occupant of the cart to ride in the lap of any occupant while the cart is in motion;
 - (3) All Occupants, including Children, shall If under the age of seven (7), be restrained by either a adult or by a seatbelt, in accordance with the Texas Transportation Code, and applicable Texas Occupant Restraint laws.
 - (4) If over the age of seven (7), use seatbelts when operating a golf cart east of 103rd Street.
- (gh) Drivers shall maintain financial responsibility as required for other passenger vehicles in accordance with the Texas V.T.C.A., Transportation Code. § 601.051.
- (i) Golf carts must operate only in the right hand lane of multi lane city streets.
- (j) Golf carts shall be parked parallel to the curb, or as otherwise regulated.

Sec. 34 -210. – Information to be provided for golf cart rentals.

- (a) Any vendor who rents or leases a golf cart must provide to the lessee or renter of the cart the following information:
 - a. A list of the streets in the City of Galveston on which the golf cart is prohibited;
 - b. A notice permanently affixed and displayed that seat belts are required to be worn by every occupant of the vehicle while the vehicle is in operation;
 - c. A notice permanently affixed and displayed that the vehicle is to operate only in the right lane of a multi lane street.

Sec. 34 - 211. Penalties.

Any person who violates the terms of this chapter shall be penalized as follows:

In addition to traffic violations for which the owner or driver of the golf cart may be subject to pursuant to state law, violations of this article are unlawful and a misdemeanor offense punishable as follows:

- (1) Violations of section 34-203 shall be punishable by a fine not exceeding fifty dollars (\$50.00). Each day a violation continues shall constitute a separate offense.
- (2) Violations of subsections 34-207(e) or 34-207(f) shall be punishable by a fine not exceeding two hundred dollars (\$200.00).

Any person who violates this Chapter shall be guilty of a misdemeanor offense punishable by a fine not to exceed two hundred dollars (\$200.00). Each day a violation continues shall constitute a separate offense.

Sec. 34-212 - 34-229 – Reserved.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

SECTION 6. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

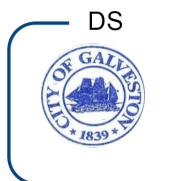
SECTION 7. This Ordinance shall be and become effective on, from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DocuSigned by:
Donna Fairweather
DONNA M. FAIRWEATHER
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on June 24, 2021, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 25th day of June, 2021.



DocuSigned by:
Janelle Williams
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Secretary for the City Council
Of the City of Galveston