

ORDINANCE NO. 180

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS, TEXAS, ALLOWING GOLF CARTS ON PUBLIC STREETS WITHIN CITY LIMITS, AS LONG AS THEY ARE OPERATED BY A LICENSED DRIVER, AND THE GOLF CARTS COMPLY WITH THE TEXAS TRANSPORTATION CODE.

WHEREAS, the City Council has determined that operation of golf carts on public streets may be allowed in the corporate limits of Enchanted Oaks,

WHEREAS, Texas state law provides that a municipality may allow the operation of golf carts on streets where posted speed limit is less than 35 MPH and that golf carts are no longer authorized for registration;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS, TEXAS, THAT:

Golf Cart's shall be allowed to operate on Town streets where the posted speed limit is 35 MPH or less as follows:

- (a) *Golf Cart* shall have the meaning assigned by the V.T.C.A., Transportation Code § 502.001(7), as it exists or may be amended, and includes a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.
- (b) *Public Highway* shall have the meaning assigned by the V.T.C.A., Transportation Code § 502.001(18), as it exists or may be amended, and includes a road, street, way, thoroughfare, or bridge:
 - (A) that is in this 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.
- (c) No person shall operate any golf cart on any paved or unpaved public street or highway within the corporate limits of Enchanted Oaks, Texas unless they hold a valid Texas drivers license.
- (d) Transportation Code § Sec. 551.404. OPERATION IN MUNICIPALITIES. (a) In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a public highway that:

(1) is in the corporate boundaries of the municipality; and

(2) has a posted speed limit of not more than 35 miles per hour.

(b) A golf cart operated under Subsection (a) must have the following equipment:

(1) headlamps;

(2) taillamps;

(3) reflectors;

(4) parking brake; and

(5) mirrors.

(e) Golf carts are defined to have a speed of not more than 25 MPH and have a slow moving emblem installed on the rear of the vehicle.

Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine.

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the Town Council hereby declares it would have passed such remaining of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS, TEXAS ON THE 10 NOVEMBER , 2009.

Attest: Donald G. Warner III, Mayor _____

Pam Foster, City Secretary _____

**Signatures on file*

