

Ordinance No. 2010.01
Village of Salado
County of Bell
State of Texas
January 14, 2010

OPERATION OF GOLF CARTS ON PUBLIC STREETS

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, PROVIDING FOR THE OPERATION OF GOLF CARTS WITHIN THE VILLAGE LIMITS OF THE VILLAGE AS PROVIDED IN THE TEXAS TRANSPORTATION CODE, PROVIDING FOR ENFORCEMENT, INCLUDING A CRIMINAL FINE NOT TO EXCEED \$500 PER VIOLATION, SEVERABILITY, AND IMPOSING PENALTIES.

WHEREAS, the Village of Salado, Texas (hereinafter "Village") desires to declare the Village a golf-cart friendly community; and

WHEREAS, the Legislature of the State of Texas has recently passed and enacted House Bill 2553 amending the Transportation Code to allow for the operation of golf carts within municipalities; and

WHEREAS, the Village has reviewed the requirements and provisions of newly-enacted Transportation Code Section 551.404 relating to the use and operation of golf carts within municipalities, and determines such provisions to be desirable to the tourism, economic development, and quality of life of Village of Salado; and

WHEREAS, the Village has determined that necessary regulations, enforcement provisions and guidelines related to the use and operation of golf carts within the village limits of the Village will protect the safety, and welfare of its citizens and visitors to the Village; and

WHEREAS, the Village has the authority to enact and impose necessary regulations and provisions related to the use and operation of golf carts within the municipality under Chapter 551 of the Transportation Code, and Chapter 51 of the Texas Local Government Code; and

WHEREAS, being a general-law municipality, the Village has exclusive control over the highways, streets, and alleys of the municipality, pursuant to Texas Transportation Code § 311.002; and

WHEREAS, the Village has the authority to designate the streets within the village limits on which the operation and use of golf carts will be permitted.

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas:

SECTION 1. ENACTMENT PROVISIONS

- A. **Recitals:** The foregoing recitals are adopted and incorporated herein for all purposes.
- B. **Popular Name:** This ordinance shall commonly be referred to as the "Golf Cart Ordinance."
- C. **Scope:** This Ordinance, and the rules or regulations enacted herein, shall apply in the Village Limits. This Ordinance applies to conduct on public streets, public street rights-of-way, public sidewalks, and public parks.
- D. **Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

SECTION 2. DEFINITIONS

A. Rules of Interpretation

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below are given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

B. Specific Terminology

Golf Cart: A motor vehicle designed by the manufacturer primarily for transporting persons on a golf course, as defined by the Texas Transportation Code.

Person: Any human being, corporation, association, sole proprietorship, company, agency. The term also includes a general contractor, subcontractor, or truck driver.

Public Street: A publicly-owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the Village limits.

Village: The Village of Salado, a Type B, general-law municipality in Bell County, Texas.

Village Limits: The incorporated, municipal boundaries of the Village.

SECTION 3. OPERATION OF GOLF CARTS

- A. **Operation on Public Streets:** The Village hereby allows the operation of Golf Carts on Public Streets in accordance with state law.
- B. **Prohibition:** It shall be a violation of the law for any person to operate a Golf Cart on Public Streets contrary to this Ordinance.

SECTION 4. ENFORCEMENT

A. Civil & Criminal Penalties

- (1) The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.
- (2) The Village Police Department shall have the power to have a Golf Cart towed to a Village-approved impound lot at the sole expense of the Golf Cart owner if the:
 - (a) Golf Cart is operated in violation of this Ordinance; and
 - (b) Golf Cart is not occupied by a person eligible by state law to operate the vehicle; and
 - (c) location of the Golf Cart in the public right-of-way at the time of towing poses a hindrance to the safe and orderly flow of traffic or a threat to public safety.

B. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). An offense under this Ordinance is a Class "C" misdemeanor.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law.

SECTION 5. RESERVATION OF RIGHTS

All rights and remedies of the Village of Salado, Texas, are expressly saved as to any and all violations of the provisions of any other ordinance affecting the streets and roadways of the Village which existed at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, the same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. SEVERABILITY

It is not the intention of the Board of Aldermen to enact any provision of this Ordinance in regard to which Federal or State law preempts the Village's authority, and it is hereby declared that if any section, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this, since the same would have been enacted by the Board without such unconstitutional or illegal phrase, clause, sentence, paragraph, or section.

SECTION 7. CONFLICTS

This Ordinance shall be cumulative of all provisions of ordinances of the Village except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Nothing contained in this Ordinance generally or this chapter specifically shall be construed to allow the violation of any residential deed restriction.

SECTION 8. PUBLICATION

This Ordinance shall become effective immediately upon the date of its publication as required by §52.011, Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

PASSED & APPROVED on SECOND READING this, the 14th day of January, 2010, by a 5 (ayes) to 0 (nays) and 0 (abstentions) vote of the Board of Aldermen of Salado, Texas.

VILLAGE OF SALADO, TEXAS:

by: Merle Stalcup
Merle Stalcup, Mayor

ATTEST:

Dianna Zulauf
Dianna Zulauf, Village Secretary

APPROVED AS TO FORM
Alan J. Bojorquez, Village Attorney

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