

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 98, TRAFFIC AND VEHICLES, ARTICLE VII, GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND OTHER TYPES OF RECREATIONAL OFF-HIGHWAY VEHICLES TO ADD OFF-HIGHWAY VEHICLES; PROVIDING A SEVERABILITY CLAUSE; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 2018 City Council adopted an Ordinance adding a section to the City's code permitting, under some circumstances, certain recreational vehicles to use city streets; and

WHEREAS, Texas Transportation Code Section 551A now provides that off-highway vehicles, meeting certain state standards with respect to equipment and other related requirements, may be used on streets with a speed limit no greater than 35 mph; and

WHEREAS, staff have received requests to add these vehicles to those recreational vehicle already permitted to use city streets.

NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:

PART ONE. The Seguin Code of Ordinances, Chapter 98, Traffic and Vehicles, Article VII, Golf Carts, Neighborhood Electric Vehicle and other Types of Recreational Off-Highway Vehicles, Section 98-200, Definitions is amended to read as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

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 motorized cart. A cart path shall be designed and constructed as designated by the City engineer or designee.

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) A temporary license or instruction permit; and
- (b) An occupational license.

Motorized cart means those electric and gasoline powered carts, commonly referred to as golf carts or neighborhood electric vehicles, but which must have a minimum of four wheels and which have an attainable top speed not greater than 25 miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles. Specifically excluded from this definition are those motorized conveyances

commonly referred to as ATVs, four-wheelers, mules, and gators. Regardless of the foregoing exceptions, the chief of police shall have the authority to issue a permit for a motorized cart if the vehicle has characteristics which satisfy the intent of the type of vehicle authorized in this article.

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 a 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 town engineer.

Nighttime means the period beginning one-half hour after sunset and ending one-half hour before sunrise.

Off-Highway Vehicle means an all-terrain vehicle or recreational off-highway vehicle; a sand rail, or a utility vehicle that meets all of the requirements and standards set forth in Section 551A of the Texas Transportation Code. Any Off-Highway Vehicle not meeting all of the requirements and Standards of the Texas Transportation Code is not a permissible Off-Highway Vehicle for purposes of this Article.

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.

Permit means a certificate/decal of authorization issued to the applicant authorizing the operation of the motorized cart for which the permit was issued. The decal will display the year of expiration.

Permit holder means the person to whom a motorized cart permit has been issued.

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

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.

Slow-moving-vehicle-emblem means a triangular emblem that conforms to standards and specifications adopted by the director under Texas Transportation Code § 547.104 and displayed in accordance with Texas Transportation Code § 547.703.

Street, for the purposes of this Article, means the public roadways of the City of Seguin by whatever name, e.g. road, alley, avenue, highway, route, boulevard, etc. that:

- (a) Has a posted speed limit of 35 miles per hour or less; or
- (b) Provides for no more than two lanes of vehicular traffic per direction; or
- (c) Is not designated as part of either the state or federal highway system.

Trafficway means 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.

Working days means Monday through Friday excluding town holidays.

PART TWO. The Seguin Code of Ordinances, Chapter 98, Traffic and Vehicles, Article VII, Golf Carts, Neighborhood Electric Vehicle and other Types of Recreational Off-Highway Vehicles, Section 98-204, Regulations Governing the operation of Motorized Carts is amended to read as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

98-204. Regulations Governing the Operation of Motorized Carts and Off-Highway Vehicles

- (a) All drivers of motorized carts and off-highway vehicles shall hold a valid driver's license and shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the town.
- (b) Motorized carts and off-highway vehicles 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 City of Seguin personnel conducting a required job function directly related to their assigned duties.
- (c) No person may operate a motorized cart or off-highway vehicle upon any portion of a street or trafficway having a posted speed greater than 35 m.p.h.
- (d) All motorized carts and off-highway vehicles are entitled to a full use of a lane on the authorized streets and parking areas of the town and no motor vehicle shall be driven in such a manner as to deprive any motorized cart of the full use of a lane.
- (e) The driver of a motorized or off-highway vehicle cart shall not overtake and pass another vehicle in the same lane occupied by the vehicle being overtaken.
- (f) No driver shall operate a motorized cart or off-highway vehicle between lanes of traffic or between adjacent lines or rows of vehicles.
- (g) The driver of a motorized cart or off-highway vehicle with a current and valid Texas driver's license operating the cart on a street (as defined herein) may cross a multi-lane or a federal, county or state route only at an intersection controlled by an official traffic control device which stops traffic from all directions.
- (h) The number of occupants in a motorized cart or off-highway vehicle shall be limited to the number of persons for whom factory seating is installed and provided on the motorized cart or off-highway vehicle. The operator and all occupants shall be seated upon the seat of the motorized cart or off-highway vehicle and no part of the body of the operator or occupant shall extend outside the perimeter of the motorized cart or off-highway vehicle ~~while the motorized cart is being operated during operation~~. The operator shall not permit any occupant ~~of the motorized cart~~ to ride in the lap of any occupant while the motorized cart or off-highway vehicle is in motion.

- (i) Children must be properly seated while a motorized cart or off-highway vehicle is in motion and may not be transported in a reckless or negligent manner. No person younger than five years of age may be transported in a motorized cart or off-highway vehicle unless restrained by a safety belt restraint.
- (j) Motorized carts and off-highway vehicles 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 and off-highway vehicles in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or a passageway is prohibited. Motorized carts or off-highway vehicles shall not park 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 motorized cart or off-highway vehicle.
- (k) In the absence of brake lights or turn signals, the operator of a motorized cart shall use appropriate hand signals.
- (l) Motorized carts will 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.
- (m) 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.
- (n) Motorized carts or off-highway vehicles shall not be left unattended, even briefly, with a key, or other starting device, remaining on or in the vehicle.
- (o) Motorized carts and off-highway vehicles used during nighttime shall also be equipped with operational brake lights and turn signals.
- (p) An open container of alcohol, meaning a bottle, can or other receptacle that contains any amount of alcoholic beverage that is open, that has been opened, that has a broken seal or the contents of which are partially removed is prohibited when operating on authorized streets.

PART THREE. If any word, phrase, clause, sentence, or paragraph of this ordinance or the corresponding sections of the Seguin Code of Ordinances is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance or the Code of Ordinances will continue in force if they can be given effect without the invalid portion.

PART FOUR. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

PART FIVE. This ordinance shall be effective upon ten (10) days following passage on second reading.

PASSED AND APPROVED on the first reading this 17th day of May, 2022.

PASSED AND APPROVED AND ADOPTED on the second reading this 24th day of May, 2022.

DONNA DODGEN
Mayor

ATTEST:

Naomi Manski
City Secretary