

**CITY OF SUNRISE BEACH VILLAGE
ORDINANCE NUMBER 373**

AN ORDINANCE PROVIDING FOR THE OPERATOR OF GOLF CARTS AND UTILITY VEHICLES ON THE PUBLIC ROADWAYS OF SUNRISE BEACH VILLAGE; PROVIDING DEFINITIONS, EQUIPMENT REQUIREMENTS, AND PENALTIES.

WHEREAS, Section 551.404, Tex. Transportation Code authorizes the City of Sunrise Beach Village (the “City”) to allow the operation of golf carts on public highways and roadways within the city limits for which the posted speed limit does not exceed 35 miles per hour.

WHEREAS, Section 551A.053, Tex. Transportation Code authorizes the City to allow the operation of “off-highway vehicles” on public highways and roadways within the city limits for which the posted speed limit does not exceed 35 miles per hour.

WHEREAS, Section 551A.001-(1-b), (1-c) and (3) of Tex. Transportation Code defines an “off-highway vehicle” as an all-terrain vehicle, recreational off-highway vehicle, or utility vehicle.

WHEREAS, Section 551A.001(6)(D) Tex. Transportation Code defines a “utility vehicle” as a motor vehicle that is not a golf cart, as defined by Section 551.401, or lawn mower and is:

- (A) equipped with side-by-side seating for the use of the operator and a passenger;
- (B) designed to propel itself with at least four tires in contact with the ground;
- (C) designed by the manufacturer for off-highway use only; and
- (D) designed by the manufacturer primarily for utility work and not for recreational purposes.

WHEREAS, the City desires to authorize both golf carts and utility vehicles to be operated on the public highways and roadways for which the posted speed limit does not exceed 35 miles per hour.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNRISE BEACH VILLAGE, LLANO COUNTY, TEXAS:

SECTION I – DEFINITIONS

Golf Cart, as used in this Ordinance is defined as set out in Texas Transportation Code, Section 551.401. A golf cart is further defined as those vehicles manufactured by golf cart manufacturers that have the chassis and drive train of a golf cart. It is recognized by this ordinance, that a golf cart may have a range of seating options and body styles, including custom bodies, and trim options. A permissible golf cart under this ordinance shall be limited to no more than three (3) rows of seats.

Utility Vehicle, as used in the Ordinance is defined as set out in Texas Transportation Code, Section 551A.001(6)(D). Specifically excluded from this definition are recreational off-highway vehicle designed and manufactured for recreational purposes such as those vehicles commonly referred to as sand rails, dune buggies, recreational off-road vehicles, go carts, all-terrain vehicles (ATV), including three wheelers and four wheelers, go carts, and any other of these vehicles designed by the manufacturer to carry passengers and not designed primarily for utility work, farm work or lawn care.

Daytime hours, as used herein is that time between ½ hour before sunrise and ½ hour after sunset.

Public highway shall have the meaning assigned by Section 502.001, Tex. Transportation Code.

SECTION II – PERMISSION

Golf Carts and Utility Vehicles may only be operated on city streets and roadways during daytime hours where the speed limit does not exceed thirty-five (35) miles per hour, in full compliance with this ordinance and state law.

SECTION III – EQUIPMENT REQUIREMENTS

A Golf Cart/Utility Vehicle driven on city streets and roadways must be equipped with the following minimum equipment as mandated by V.T.C.A. Transportation Code, Section 551.404(b) and Sec. 511A.052.

1. Headlamps;
2. Tail lamps;
3. Reflectors;
4. Parking brake;
5. Mirrors; and
6. Operational Seat Belts or Lap Belts.

In addition, Golf Cart/Utility Vehicle must display a license plate as required by Tex. Transportation Code 551.402 and 551A,052.

SECTION IV – OPERATION REGULATIONS

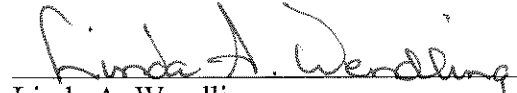
- A. All drivers of golf carts or utility vehicles must be licensed to operate a motor vehicle as provided by state law.
- B. All drivers of golf carts or utility vehicles shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the city.
- C. The driver of a golf cart or utility vehicle must operate it in a safe and responsible manner to ensure the safety of its passengers, as well as other people, vehicles, and property.
- D. Equipment required by Section III hereof shall be in working order.
- E. The authorized driver of a golf cart or utility vehicle while operating such vehicle on a permitted street may cross an excluded street but otherwise may not operate such golf cart or utility vehicle on any excluded street.
- F. All persons must be seated while a golf cart or utility vehicle is in motion. All occupants must be restrained by a seat or lap belt. Children seven (7) years of age or younger must be restrained by either a seat belt or child seat with a seat belt.
- G. Any person who violates the terms of this ordinance shall be penalized as follows:
 - a. In addition to traffic violations for which the owner or driver of the golf cart or utility vehicle may be subject pursuant to state law or city ordinance, violations of this article are a misdemeanor offense punishable as follows:
 - i. Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500). Each day the violation exists shall constitute a separate offense.

READ, VOTED UPON, PASSED, APPROVED AND ADOPTED on the 17th day of December 2020.

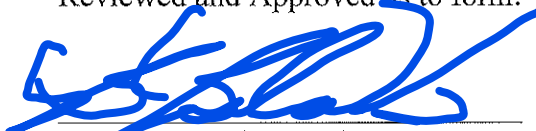
APPROVED:

ATTEST:


Mayor, Tommy R. Martin


Linda A. Wendling

Reviewed and Approved as to form:


City Attorney/Asst. City Attorney

