

ORDINANCE NO. 2013-25

AN ORDINANCE AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE UVALDE MUNICIPAL CODE BY ADDING A NEW CHAPTER, 10.48 (GOLF CARTS FOR HOLIDAY PARCEL DELIVERY) AUTHORIZING THE LIMITED OPERATION OF GOLF CARTS ON PUBLIC STREETS DURING THE WINTER HOLIDAY SEASON AND PROVIDING FOR A PENALTY AS PROVIDED IN SECTION 10.48.040 (OFFENSE) OF THE UVALDE MUNICIPAL CODE.

WHEREAS, Section 551.404 of the Texas Transportation Code authorizes the governing body of a municipality to allow the limited operation of a golf cart on public streets; and

WHEREAS, golf carts can help to reduce overall emissions and their use is an eco-friendly or 'green' alternative to traditional passenger motor vehicles; and

WHEREAS, the Uvalde City Council has determined that authorizing the limited operation of golf carts on public streets, by entities whose primary business is the delivery of parcels, during the winter holiday season is in the best interest of the public and its citizens;

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

SECTION 1. That Title 10 (Vehicles and Traffic) of the Uvalde Municipal Code shall be amended to add Chapter 10.48 (Golf Carts for Holiday Parcel Delivery) to read as follows:

10.48.010 Definitions

For purposes of this Chapter, the following terms have these defined meanings.

- A. "Authorized operator" means a person that uses a golf cart for the purpose of delivering parcels while in the course of employment with an entity whose primary business is the delivery of parcels.
- B. "Golf cart" means a motor vehicle that has no less than three wheels, has a maximum speed between 15-25 mph, and may be modified for parcel delivery.
- C. "Motor vehicle" means a vehicle that is self-propelled.
- D. "Public highway" means a road, street, way, thoroughfare, or bridge:
 - 1. that is in the State;
 - 2. that is for the use of vehicles;
 - 3. that is not privately owned or controlled; and
 - 4. over which the State has legislative jurisdiction under its police power.

- E. “Slow moving emblem” shall have the meaning assigned by Section 547.001(8) of the Texas Transportation Code and shall mean:
 - 1. a triangular emblem that has a reflective surface designed to be clearly visible during daytime at a distance of at least 500 feet; and
 - 2. is displayed in accordance with Section 547.703 of the Texas Transportation Code, requiring that such emblem be mounted base down on the rear of the motor vehicle at a height from three to five feet above the road surface.

- F. “Winter holiday season” shall mean the period of time starting November first (1st) and ending January fifteenth (15th) of each year.

10.48.020 Operation of a Golf Cart

During the winter holiday season, an authorized driver may operate a golf cart on a public highway, in the corporate boundaries of the City, for which the posted speed limit is not more than 35 miles per hour, if each of the following requirements are met:

- A. a golf cart operated must have the following equipment:
 - 1. Headlamps;
 - 2. Taillamps;
 - 3. Reflectors;
 - 4. Parking brake;
 - 5. Mirrors; and
- B. a golf cart is required to display a slow-moving-vehicle emblem when it is operated on a public highway, as required by Sections 547.703(a) and (d) of the Texas Transportation Code; and
- C. the authorized operator of a golf cart must:
 - 1. possess a valid driver’s license that authorizes operation of a motor vehicle on public highways;
 - 2. carry evidence of financial responsibility consistent with Section 601.051 of the Texas Transportation Code, as amended, for operation of motor vehicles; and
 - 3. obey all state and local traffic laws.

10.48.030 Liability

Nothing in this chapter shall be construed as an assumption of liability by the City for any damages (personal injury, property damage or otherwise) which may result from the operation of a golf cart authorized by this chapter. The authorized operator of a golf cart is responsible for the safe operation of a golf cart allowed under this chapter.

10.48.040 Offense

Any person who operates a golf cart in violation of any provision or requirements of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine

of not less than \$50.00 or more than \$500.00. Each violation of this chapter is a separate offense.

SECTION 2. Except as expressly herein amended, Title 10 (Vehicles and Traffic) of the City of Uvalde Municipal Code shall remain in full force and effect.

SECTION 3. **Amendment of Conflicting Ordinances.** Title 10, Uvalde Municipal Code is hereby amended as provided herein. All ordinances and parts of ordinances in conflict with this Ordinance are amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

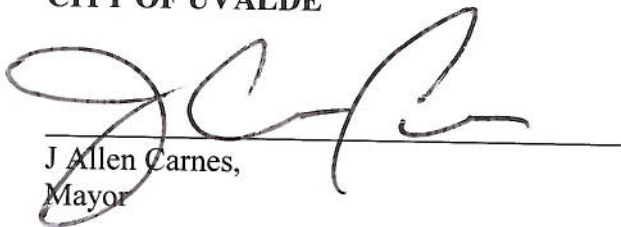
SECTION 4. **Savings Clause.** All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5. **Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code.

SECTION 6. **Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED this 3 day of December, 2013.

CITY OF UVALDE



J. Allen Carnes,
Mayor

ATTEST:



Susan M. Conley, City Secretary