

**CITY OF GRANDVIEW
ORDINANCE NO. 2022-0303**

AN ORDINANCE OF THE CITY OF GRANDVIEW, TEXAS, AMENDING ARTICLE I, "IN GENERAL," OF CHAPTER 52, "TRAFFIC AND VEHICLES," OF THE CODE OF ORDINANCES, GRANDVIEW, TEXAS, BY REPEALING SECTION 52-7, "OPERATION OF GOLF CARTS ON PUBLIC STREETS," AND REPLACING IT WITH A NEW SECTION 52-7, "USE OF OFF-HIGHWAY VEHICLES AND GOLF CARTS"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Grandview, Texas, is a Type A general-law municipality located in Johnson County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Sections 551.403 and 551A.054 of the Texas Transportation Code permit a municipality to prohibit the operation of certain vehicles on a public highway if the municipality determines that the prohibition is necessary in the interest of safety; and

WHEREAS, the City Council of the City of Grandview has determined that in the interest of public safety an ordinance regulating the use of off-highway vehicles and golf carts operating within the City is necessary for the protection of the general public.

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

SECTION 1.

Section 52-7 of Article I, "In General," of Chapter 52, "Traffic and Vehicles," of the Code of Ordinances, Grandview, Texas, is here by replaced in its entirety to read as follows:

"Sec. 52-7. – Use of Off-highway Vehicles and Golf Carts.

- a) **Operating Regulations.** It shall be unlawful for any person to operate an off-highway vehicle or golf cart on any public street, parking area and/or traffic way in the City without:
- 1) A valid license plate issued by the Texas Department of Motor Vehicles and affixed in accordance with the Texas Transportation Code, section 551.402(b) and 551A.152(b) respectively; and
 - 2) Proof of established financial responsibility for the motor vehicle in

accordance with section 601.051 of the Texas Transportation Code.

- 3) The driver of a golf cart or off-highway vehicle operating on a public street, parking area, and/or traffic way in the City possessing a valid driver license.
- b) **Prohibited Operations.** It shall be unlawful for any person to operate an off-highway vehicle or golf cart operating on any public street, parking area, and/or traffic way in the City:
- 1) At a speed in excess of 35 miles per hour.
 - 2) Without using turn signals, or standard hand signals for turning if the golf cart or off-highway vehicle is not equipped with turn signals.
 - 3) Without all occupants, including children, being restrained by safety belts in accordance with the Texas Transportation Code, and applicable Texas Occupant Restraint laws.
 - 4) With the number of occupants being in excess of the number of persons for whom factory seating is installed and provided on the vehicle.
 - 5) With any person standing or riding in the lap of another when the vehicle is in motion.
 - 6) To be operated on a highway or any street with a speed limit exceeding thirty-five miles per hour (35 mph), except when merely crossing a highway or street at an intersection that has a posted speed limit of more than 35 miles per hour.
 - 7) To overtake and pass another motor vehicle in the lane occupied by the vehicle being overtaken
 - 8) To operate between lanes of traffic or between adjacent lines or rows of vehicles.
 - 9) To tow another motor vehicle of any kind; or any person, including those on roller skates, skateboard, bicycle or any other device; or a trailer of any kind.
 - 10) In violation of any federal, state, and local traffic regulations.
- c) **Sidewalks.** It shall be unlawful for any person to operate an off-highway vehicle or golf cart operating on a sidewalk, pedestrian walkway, jogging path, park trail or any location normally used for pedestrian traffic within the City.
- d) **Use of Lane/Parking Spot.** A golf cart or off-highway vehicle is entitled to full

use of a lane on the authorized streets and parking areas of the City and no motor vehicle shall be driven in such a manner as to deprive any golf cart or off-highway vehicle of the full use of a lane.

- e) **Parking.** Golf 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 golf carts or 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. Golf carts and 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 said cart

- f) **Safety Devices.** A golf cart or off-highway vehicle being operated must comply with all applicable state and federal motor vehicle safety standards, as they exist or may be amended. No golf cart or off-highway vehicle shall be operated on a public street, parking area and/or traffic way in the City without all standard safety features in working order, including, but not limited to the following:
 - 1) Two Headlamps;
 - 2) Two Tail lamps;
 - 3) Seatbelts;
 - 4) Horn in good working condition that emits a sound audible under normal conditions at a distance of at least 200 feet;
 - 5) Reflectors (two (2) front, amber in color, and two (2) rear, red in color);
 - 6) Parking brake;
 - 7) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror (capable of a clear and unobstructed view of at least 200 feet to the rear); and
 - 8) Slow-moving vehicle emblem(s) having a reflective surface designed to be clearly visible in daylight or at night from the light of standard headlamps at a distance of at least 500 feet and shall be mounted base down on the rear of the vehicle at a height from three to five feet above the road surface and shall be maintained in a clean reflective condition.

- g) **Gasoline and Liquid Fuel Powered Golf Carts and Off-Highway Vehicles.** No vehicle powered by gasoline or liquid fuel shall be operated on a public street, parking area, and/or traffic way in the City without a functioning exhaust system

in working order, including, but not limited to the following:

- 1) The exhaust system and all associated elements shall be securely fastened at all times with brackets or hangers designed for fastening exhaust systems.
 - 2) The engine and powered mechanism of every golf cart and off-highway vehicle shall be so equipped, adjusted and tuned so that the exhaust is in good working order; and shall not emit a number of decibels to be a nuisance.
 - 3) No devices for controlling or abating atmospheric emissions placed on a golf cart or off-highway vehicle by the manufacturer shall be rendered unserviceable by removal, alteration, or interference with its operation.
- h) **Exemptions.** The following use or operation of a golf cart or off-highway vehicle shall be exempt from the regulations of this article:
- 1) Official city business. A golf cart or off-highway vehicle is used or operated by personnel for the City on official police business or for official business of the City;
 - 2) Grandview Independent School District. The operation of a golf cart or off-highway vehicle when used or operated by employees of the Grandview Independent School District for official ISD business, including the transportation of materials and equipment;
 - 3) Grandview Housing Authority. A golf cart or off-highway vehicle is used or operated by personnel for the Grandview Housing Authority for official business of the Housing Authority. This includes the transportation of materials and equipment necessary for maintenance of the properties; or
 - 4) Parade, festival or special event. The operation of a golf cart or off-highway vehicle when used in connection with a parade, festival, or other City authorized or sponsored special event, the written consent of the sponsor is obtained, and is only used as part of such parade, festival or special event. Further, a golf cart or off-highway vehicle used in connection with such parade, festival, or special event shall comply with all requirements set forth in the City issued special event permit for the parade, festival, or other special event.
- i) **Liability.** Nothing in this article shall be construed as an assumption of liability by the City for any injuries (including death) to persons or pets or any damage to property which may result from the operation of a golf cart or an off-highway vehicle by an authorized driver. While operating a golf cart or off-highway vehicle upon a street in the City, a driver shall comply with all laws applicable to motor vehicles as set forth in this article, the Texas Transportation Code, as amended,

and other state and local laws. Such compliance shall include, without limitation, compliance with applicable parking laws and regulations. A driver shall be subject to a citation for all violations of this article, the Texas Transportation Code, and other applicable state law.

SECTION 2.

This Ordinance shall be cumulative of all provisions of Ordinances and of the Code of Ordinances, Grandview, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances and such Code, in which event the conflicting provisions of such Ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs, or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Hundred Dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Grandview, Texas, are expressly saved as to any and all violations involving prohibited uses of public streets or highways 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 6.

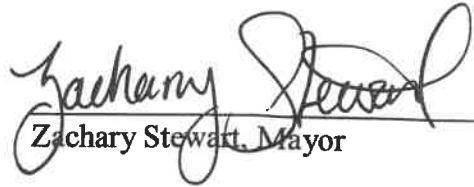
The City Secretary of the City of Grandview is hereby directed to publish in the official newspaper of the City of Grandview, the caption and penalty clause of this Ordinance as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED this 3rd day of March, 2022.

CITY OF GRANDVIEW


Zachary Stewart, Mayor

ATTEST:


Karen Fuller, City Secretary