

**TOWN OF LAKEWOOD VILLAGE, TEXAS
ORDINANCE 18-11**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF LAKEWOOD VILLAGE, TEXAS, TO PERMIT
THE OPERATION OF GOLF CARTS ON TOWN STREETS;
REQUIRING MANDATORY EQUIPMENT; PROVIDING A
PENALTY; PROVIDING A REPEALER, PROVIDING A
SEVERABILITY CLAUSE, PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, Texas Transportation Code 551.404 authorizes the governing body of a municipality to regulate and control the operation of golf carts (golf carts only) within the Town's legal boundaries and on its public streets to ensure the public safety of the community.

WHEREAS, Texas Transportation Code Section 551.404(b) requires specific equipment for golf carts to be legally driven on public streets; and

WHEREAS, the Town finds that it would be beneficial to its citizens to allow golf carts on its public streets.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF LAKEWOOD VILLAGE, TEXAS:**

Section 1: Findings

The findings attached hereto as Exhibit A is hereby adopted as the Golf Cart Regulations Ordinance for the Town.

Section 2: Repeal

Golf Cart Regulations 10-02 is hereby repealed in its entirety.

Section 3: Penalty Clause

A. Violation

A person who violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 4: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

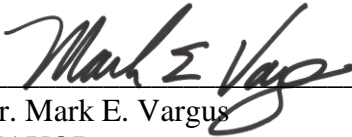
The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 5: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

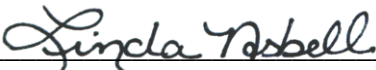
Section 6: Effective Date

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas
this the 12th day of December, 2018



Dr. Mark E. Vargus
MAYOR

ATTESTED:



Linda Asbell, TRMC, CMC
Town Secretary



Exhibit A



GOLF CART REGULATIONS

Adopted: December 12th, 2018

SECTION 1: DEFINITIONS

1.1. GENERAL

Terms which are used in this Ordinance and are not specifically defined shall be given their ordinary meaning, unless the context requires or suggests otherwise. In the case of ambiguity or uncertainty concerning the meaning of a particular term, whether or not defined, the town staff shall have the authority to assign an interpretation which is consistent with the intent and purpose of this Ordinance, or an interpretation which is consistent with previous usage or interpretation.

1.2. WORDS OR TERMS DEFINED

Golf Cart: As defined in the Texas Transportation Code 551.401.

Street: The public roadways of the Town of Lakewood Village 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.

SECTION 2: ELECTRIC AND GASOLINE GOLF CART REQUIRED EQUIPMENT

Every golf cart must be equipped as mandated by the Texas Transportation Code, Section 551.404(b), as follows:

- a) headlamps;
- b) tail lamps;
- c) reflectors;
- d) parking brake; and
- e) mirrors.

SECTION 3: OPERATION REGULATIONS

- (a) Golf carts shall not be operated on sidewalks (unless designated as cart paths also).
- (b) All golf carts 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 golf cart of the full use of a lane.
- (c) No driver shall operate a golf cart between lanes of traffic or between adjacent lines of rows of vehicles.
- (d) Rider Capacity: To comply with public transportation safety standards the driver of the golf cart is responsible for ensuring the safety of all passengers. The driver should adhere to the passenger load requirements as specified by the golf cart manufacturer owner's manual and the stated seating capacity. All occupants are to be properly seated in properly designed passenger seats while the cart is in motion. No sitting or standing on the rear of a cart is allowed unless said cart is outfitted with the proper seats to accommodate rear passengers.

Section 4: LIABILITY

Nothing in this ordinance shall be construed as an assumption of liability by the Town of Lakewood Village for any injuries to persons, pets or property which may result from the operation of a golf cart by a registered owner or authorized driver.

Registered owners are fully liable and accountable for the actions of any individual that they provide permission to operate and drive said golf cart, both on personal and/or town and public properties. This described liability responsibility especially applies to personal injuries or property damage resulting from golf cart drivers who are minors under the age of 21 with or without a valid Texas driver's license.

Section 5: OTHER OFF-ROAD VEHICLES

Pursuant to Texas Transportation Code 663.037, off highway vehicles, other than motorized carts defined in Section 1 of this ordinance, may not be operated on any street (as defined in Section 1 of this document) in the Town of Lakewood Village. These vehicles include:

- a) All-Terrain Vehicles (ATVs)
- b) Utility Type Vehicles (UTVs)
- c) Recreational Off-Highway Vehicles (ROVs)

OPERATION ON PUBLIC ROADWAY PROHIBITED

A person may not operate an off-highway vehicle on a public street, road, or highway except as provided by this section.

The operator of an off-highway vehicle may drive the vehicle across a public street, road, or highway that is not an interstate or limited-access highway, if the operator:

- a) brings the vehicle to a complete stop before crossing the shoulder or main traveled way of the roadway;
- b) yields the right-of-way to oncoming traffic that is an immediate hazard; and
- c) makes the crossing:
 - 1. at an angle of approximately 90 degrees to the roadway;
 - 2. at a place where no obstruction prevents a quick and safe crossing; and
 - 3. with the vehicle's headlights and taillights lighted.
- d) The operator of an off-highway vehicle may drive the vehicle across a divided highway other than an interstate or limited access highway only at an intersection of the highway with another public street, road, or highway.

End of Exhibit A**Adoption and Summary of Amendments**

Ordinance Number	Date	Summary
18-11	12/13/ 2018	<ul style="list-style-type: none">• Updated references to transportation code• Removed registration requirement• Repealed 10-02
10-02	1/14/2010	<ul style="list-style-type: none">• Revised
09-14	11/12/2009	<ul style="list-style-type: none">• Revised