

**TOWN OF LAKEWOOD VILLAGE, TEXAS
ORDINANCE NO. 10-02**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, TO ADOPT TOWN REGULATORY AUTHORIZATION AND GOVERNANCE GUIDELINES BASED ON THE 2009 STATE AMENDMENT TO THE TEXAS TRANSPORTATION CODE KNOWN AS H.B. NO. 2553, SUBCHAPTER F, SEC. 551.401. THE AFOREMENTIONED AUTHORIZES TEXAS MUNICIPALITIES TO GOVERN THE OPERATION OF MOTORIZED CARTS IN THEIR JURISDICTION TO ENSURE THE PUBLIC SAFETY AS DEEMED APPROPRIATE ACCORDING TO THE GUIDELINES SET FORTH BY TEXAS H. B. NO. 2553, PROVIDING A REPEALER.

WHEREAS, Texas Transportation Code H.B. No. 2553 authorizes the governing body of a municipality to regulate and control the operation of motorized carts (golf carts only) within the town’s legal boundaries and on it’s public streets to ensure the public safety of the community.

WHEREAS, Texas Transportation Code H.B. No.2553 Section 551.404 sets forth specific guidelines and requirements that every local municipal government under subsection (a) is mandated to abide by. H.B. No. 2553 authorizes the governing body of a municipality in addition to regulate and enforce other standards of operation which may be particular to its unique situation.

WHEREAS, Ordinance 09-14 is hereby repealed in its entirety.

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

SECTION 1: DEFINITIONS.

The following words, terms and phrases when used in this Ordinance, shall have the meanings ascribed to them in this Ordinance except where the context clearly indicates a different meaning:

Driver means the person driving and having physical control over the motorized cart.

Motorized cart means those electric and gasoline powered carts, commonly referred to as golf carts, which have a minimum of three wheels and which have an attainable top speed not greater than 30 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.

Owner means the person holding title to the motorized cart and the person required to register the motorized cart with the Town of Lakewood Village.

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.

Street means 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 of Federal highway system.

SECTION 2: REGISTRATION REQUIREMENTS

All motorized golf carts operated on streets and parking areas of the Town must be registered with the Town of Lakewood Village Administration Office located at Town Hall. A registration form will be provided on-line and at town hall for residents to complete and provide the basic information requested. The registration form will require the following specifics:

- (1) **Name and address of owner.**
- (2) **Brand, model number and motorized cart identification number (VIN #).**
- (3) **Type of motorized cart (gasoline or electric)**
- (4) **Insurance Policy Number**
- (5) **Signature of owner that cart meets equipment requirements.**

Residents will have 90 days to register and bring their carts into compliance upon the ratification date of this ordinance and corresponding public notices.

SECTION 3. TRANSFER.

Upon transfer of ownership of the motorized cart to a person who intends to operate it over authorized streets and parking areas, the new owner must register the motorized cart as outlined in Section 2 within 10 days.

SECTION 4. ELECTRIC AND GASOLINE MOTORIZED CART REQUIRED EQUIPMENT.

- (a) Every motorized cart must be equipped as mandated by the Texas Transportation Code, H.B. No. 2553 Section 551.404 Subsection (a) and/or required by the Town of Lakewood Village the following:
 - (1) Operational headlamps
 - (2) Operational tail lamps
 - (3) Reflectors
 - (4) Operational parking brake
 - (5) Rearview mirror (s)

SECTION 5. OPERATION REGULATIONS.

- (a) Motorized carts shall not be operated on sidewalks (unless designated as cart paths also).
- (b) All motorized 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 motorized cart of the full use of a lane.
- (c) No driver shall operate a motorized 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 owners 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 6. 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 motorized 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 motorized cart, both on personal and/or town and public properties. This described liability responsibility especially applies to personal injuries or property damage resulting from motorized cart drivers who are minors under the age of 21 with or without a valid Texas drivers license.

SECTION 7. ENFORCEMENT AND PENALTIES

Enforcement of this ordinance and any traffic violations committed by the driver of a motorized golf cart may be enforced by the Denton County Sheriff's Department and by any authorized code enforcement official as specified by the Town mayor.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas, this 14th day of January, 2010.

APPROVED:

Mike Schnittker
Mayor

ATTEST:

Linda Asbell
City Secretary

**TOWN OF LAKEWOOD VILLAGE GOLF CART
REGISTRATION FORM**

Date: _____

Owner Name: _____

Resident Address:

Golf Cart Insurance Policy #: _____

Golf Cart Brand/Model: _____

Golf Cart Serial/VIN #: _____

Golf Cart Color: _____

Electric/Gas: _____

This golf cart meets the required equipment standards set forth by the State of Texas and the town of Lakewood Village:(Headlamps, tail lamps, reflectors, rearview mirror)

Owner Signature: _____