

AN ORDINANCE OF THE CITY OF ROPESVILLE, TEXAS CONCERNING THE OPERATION, USE AND REQUIRED EQUIPMENT FOR GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES; PROHIBITING THE USE OF OFF-HIGHWAY VEHICLES WITHIN MUNICIPAL LIMITS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Ropesville, Texas, a Type A general law municipality, is authorized by state law to adopt and implement necessary and reasonable ordinances that is necessary for the government, interest, welfare, or good order of the municipality and that is in the best interests of its citizenry; and

WHEREAS, pursuant to the Texas Transportation Code including, but not limited to, Chapters 551 and 551A, the City Council has the authority to regulate the use of golf carts, neighborhood electric vehicles and off-highway vehicles on the public streets of the City of Ropesville; and

WHEREAS, the City Council of the City of Ropesville, finds the following ordinance regulating the operation and use of golf carts, neighborhood electric vehicles and off-highway vehicles on public streets is reasonable and beneficial for the public health, safety and general welfare of the citizens of Ropesville and a proper exercise of its police power;

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

1. Definitions.

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

All-terrain vehicle (ATV). “all-terrain vehicle” means a motor vehicle that is:

(A) equipped with a seat or seats for the use of:

(i) the rider; and

(ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;

(B) designed to propel itself with three or more tires in contact with the ground;

(C) designed by the manufacturer for off-highway use;

(D) not designed by the manufacturer primarily for farming or lawn care; and

(E) not more than 50 inches wide.

Golf Cart. “golf cart” means a motor vehicle designed by the manufacturer primarily for use on a golf course.

Neighborhood electric vehicle. “neighborhood electric vehicle” means a motor vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

Off-highway vehicle. “off-highway vehicle” means an all-terrain vehicle, recreational off-highway vehicle, or utility vehicle.

Public Street. “public street” means a publicly owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the municipal limits of the City of Ropesville that is not designated as part of either the state or federal highway system

Recreational off-high vehicle. “recreational off-highway vehicle” means a motor vehicle that is:

- (a) equipped with a seat or seats for the use of:
 - (i) the rider; and
 - (ii) a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;
- (b) designed to propel itself with four or more tires in contact with the ground;
- (c) designed by the manufacturer for off-highway use by the operator only; and
- (d) not designed by the manufacturer primarily for farming or lawn care.

Utility vehicle. “Utility vehicle” means 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.

2. General Prohibition and Exceptions

(a) *Prohibition.* Except as otherwise provided for in this ordinance, the City Council of the City of Ropesville finds that, in the interest of safety, the use of golf carts, neighborhood electric vehicles and off-highway vehicles on public streets is prohibited.

(b) *Public Safety Exception.* This section does not apply to the operation of a golf cart, neighborhood electric vehicle or off-highway vehicle that is owned and registered for use to

maintain public safety and welfare by the state, a county, or a municipality by a person who is an authorized operator of the vehicle.

(c) *Commercial Repair Exception.* This section does not apply to the operation of a golf cart, neighborhood electric vehicle or off-highway vehicle by the owner or employee of a commercial business that repairs golf carts, neighborhood electric vehicles or off-highway vehicles so long as such operation is solely and exclusively related to the repair of the golf cart, neighborhood electric vehicle or off-highway vehicle.

3. Operation and Use of Golf Carts

(a) *Use public streets.* A person may operate a golf cart on a public street within the city under the following terms and conditions:

- (i) May only be operated on a public street for which the posted speed limit is not more than 35 miles per hour;
- (ii) May be operated not more than two miles from the location where the neighborhood electric vehicle is usually parked; and
- (iii) Must comply with the general operation and use terms and conditions found in Section 6 of this ordinance.

(b) *Required golf cart equipment.* All golf carts operated on a public street within the city under this section must have the following equipment:

- (i) headlamps;
- (ii) taillamps;
- (iii) reflectors;
- (iv) parking brake; and
- (v) mirrors.

4. Operation and Use of Neighborhood Electric Vehicles

(a) *Use public streets.* A person may operate a neighborhood electric vehicle on a public street within the city only under the following terms and conditions:

- (i) May only be operated on a public street for which the posted speed limit is not more than 35 miles per hour;
- (ii) May only be operated during the daytime;
- (iii) May be operated not more than two miles from the location where the neighborhood electric vehicle is usually parked; and
- (iv) Must comply with the general operation and use terms and conditions found in Section 6 of this ordinance.

5. Operation and Use of Off-Highway Vehicles

- (a) It shall be unlawful for any person to operate or use of an off-highway vehicle on a public street within the city unless:
- (i) the transportation is in connection with:
 - (A) the production, cultivation, care, harvesting, preserving, drying, processing, canning, storing, handling, shipping, marketing, selling, or use of agricultural products, as defined by Section 52.002, Agriculture Code; or
 - (B) utility work performed by a utility;
 - (ii) the operator attaches to the back of the vehicle a triangular orange flag that is at least six feet above ground level;
 - (iii) the vehicle's headlights and taillights are illuminated;
 - (iv) the operation of the vehicle occurs in the daytime;
 - (v) the operation of the vehicle does not exceed a distance of 25 miles from the point of origin to the destination; and
 - (vi) complies with the general operation and use terms and conditions found in Section 6 of this ordinance.

6. General Operation and Use Terms and Conditions

- (a) In addition to any requirements found elsewhere in this ordinance, any person operating a golf cart, neighborhood electric vehicle or off-highway vehicle under this ordinance must:
- (i) Have a valid driver's license;
 - (ii) Maintain current financial responsibility as required by state law that covers the applicable vehicle;
 - (iii) While the vehicle is in motion, the driver and every passenger in or on the vehicle is seated in a seat designed to hold passengers;
 - (iv) Not allow any person to stand or ride in the lap of the driver and/or other passenger of a vehicle while it is moving; and
 - (v) Comply with all applicable federal, state and local laws and ordinances.

7. Penalty. Any person found in violation of any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00) per violation.

8. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

9. Repealed. All other terms and provisions of any ordinance of the City of Ropesville, not in conflict herewith and not hereby amended shall remain in full force and effect.

10. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Ropesville, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

11. Publication. The City Secretary of the City of Ropesville is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved this 9 day of June, 2020.



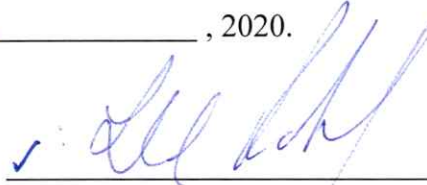
Brenda Rabel, Mayor

ATTEST:



Delia Cruz, City Secretary

Signed this 9th day of June, 2020.



Signature of public official

Alderman

Title

BEFORE ME, the undersigned authority, this day personally appeared Bill
Royce and by oath swore that the facts herein above
stated are true and correct to the best of his/her knowledge or belief.

Sworn to and subscribed before me on this the 9 day of June, 2020.



Notary Public in and for the State of Texas

