

ORDINANCE NO. 130

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOWARDWICK, TEXAS, AMENDING ARTICLE 11.01 "GENERAL PROVISIONS" OF CHAPTER 11, OF THE CITY'S CODE OF ORDINANCES; ESTABLISHING GOLF CART, MOTOR-DRIVEN CYCLES, ATV'S AND RECREATIONAL OFF-HIGHWAY REGULATIONS; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Charter 551 of the Texas Transportation Code allows for the operation of golf carts within municipalities under certain circumstances; and

WHEREAS, The Texas Transportation Code grants the City the authority to control the operation of motor vehicles, including golf carts, ATV'S, Recreational Off-Highway (ROV) Vehicles, and Motor-Driven Cycles using its streets; and

WHEREAS, The City Council of the City of Howardwick finds that establishing regulation of Golf Carts, Motor-Driven Cycles, ATV'S and Recreational Off-Highway (ROV) Vehicles is in the best interest of the public health, safety, and welfare of the City, residents, visitors, and users of the City streets; and

WHEREAS, after due deliberations, the City Council finds that the amendment and adoption of this Ordinance is necessary for the safety of the citizens of the City and the general public.

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

SECTION 1. AMENDED AND ADOPTED PROVISIONS

Chapter 11 "Article 11.01 "General Provisions" of the Code of Ordinances of the City is hereby repealed in its entirety, and a new Article 11.01 " General Provisions" is hereby adopted to be in read in its entirety as follows, and all other sections of Chapter 11 not expressly amended or repealed hereby shall remain in full force and effect.

11.01.001 Definitions.

- (a) Definitions. The following words, terms, and phrases, when used. In this section, shall have the meanings ascribed to them in this subsections, except where the context clearly indicates a different meaning.

All-Terrain Vehicle(ATV) - Shall have the meaning assigned by Chapter 551 A. Of the Texas Transportation Code. Has a straddle seat and handlebars designed to propel itself with three or four tires in contact with the ground

Golf Cart - Shall have the meaning assigned by 551.401 of the Texas Transportation Code, as it exists or ay be amended and includes a Motor Vehicle designed by the manufacturer primarily for transporting persons on a golf course. Specifically excluded from this definition are those motorized conveyances commonly referred to as all-terrain vehicles, neighborhood electric vehicles, off-highway vehicles, four wheelers, mules, gators and riding lawnmowers.

Motor Vehicle - Means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except a device used exclusively on stationary rails or tracks. For purposes of this Article, the term includes Golf Cart but does not include an electric bicycle or an electric personal assistive mobility device.

Motor Driven Cycle - Includes every Motor Cycle, Scooter and Mini Bike, designed to propel itself with 2 or more tires in contact with the ground.

Park or Parking - To stand an occupied or unoccupied motor vehicle, other than temporarily while loading or unloading merchandise or passengers.

Operator - The person operating and having physical control over the golf cart, motor-driven cycle, ATV and ROV. An Operator must carry a valid state driver's license.

Owner - Shall have the meaning assigned by Chapter 502.001 of the Texas Transportation Code and shall mean the person who has legal title to the golf cart, motor-driven cycle, ATV or ROV and has the legal right of possession, or has legal control of it.

Recreational Off-Highway Vehicle (ROV) - Means a Motor Vehicle that is equipped with a seat or seats for the use of the rider and passengers and the vehicle is designed to propel itself with four or more tires in contact with the ground. Designed by the manufacturer for recreational off-highway use by the operator. Also known as Side by Sides or UTV's.

Residentially Zoned - Any area zoned for residential use as defined and designated in the City's Zoning Ordinance.

Street - The entire width between the boundary lines of a publicly maintained way any part of which is open to the use of the public for vehicular travel whether it be paved, dirt or gravel.

11.01.004 Presumption that owner of the vehicle is responsible for violation.

(a) If any Motor Vehicle, Golf Cart, Motor-Driven Cycle, ATV or ROV is found upon a street in violation of any provision of this chapter regulating the use and the identity of the driver cannot be determined, the owner, or person in whose name is registered shall be held in prima facie responsible for such violation.

11.01.005 Findings.

(a) The prohibition on operating Golf Carts on a Street in the City of Howardwick in some circumstances is necessary in the interest of public safety.

(b) The prohibition on operating a ROV on a Street in the City of Howardwick is necessary in the interest of public safety.

(c) The prohibition on operating Motor-Driven Cycles on a Street in Howardwick in some circumstances is necessary in the interest of public safety.

(d) The prohibition on operating an ATV on a street in Howardwick is necessary in the interest of public safety.

11.01.006 Prohibited on Streets of the City of Howardwick.

(a). It shall be unlawful for a person to operate an ATV or ROV on the streets of the City of Howardwick.

11.01.007 Golf Carts and Motor Driven Cycles Authorized

11.01.008 Operation Authorized

(a) All operators of Golf Carts shall be licensed to operate a Motor Vehicle as provided by the Texas Transportation code and shall carry a valid driver license while operating a Golf Cart.

(b) All operators of Golf Carts and Motor-Driven Cycles shall abide by all traffic regulations applicable to vehicular traffic when using any Street in the City

(c) The operator and every occupant of a Golf Cart shall be limited to the seating and capacity as designed by the manufacturer and all occupants shall remain seated in a seat designated to hold passengers while the Golf Cart is in motion.

(d) Occupants less than six (6) years of age must be restrained by a safety belt.

(e) No person may ride in the lap of a driver or any other occupant.

(f) All operators of a Motor-Driven Cycle shall be licensed to operate the Cycle as provided by the Texas Transportation code and shall carry a valid driver license while operating the Motor-Driven Cycle.

11.01.009 Obedience to traffic signs and signals

Traffic signs and signals placed on public streets shall be obeyed.

11.01.010 Trespassing on Private Property

Motor-driven vehicles, golf carts, motor-driven cycles, ATV's and ROV'S shall not trespass on privately owned property, including property owned by any developed company within the City limits.

SECTION 2. PENALTY

Any person, firm, or corporation violating any of the provisions of the Ordinance or the Code of ordinances as amended hereby, shall be subject to the same penalty as may be provided for the Code of Ordinances of the City, and upon conviction, shall be punished by a fine not to exceed five hundred dollar (\$500.00) for each offense.

SECTION 3. SEVERABILITY

If any provision, section, subsection, article, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstances is held invalid, void, or unconstitutional by a court of competent jurisdiction, such holding shall not effect the validity of the remaining portions of this ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, and the remaining portions shall remain in full force and effect.

SECTION 4. PUBLICATION

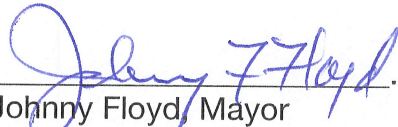
The City Secretary of the City of Howardwick is hereby directed to publish the caption, penalty, and effective date of this Ordinance as required by law.

**SECTION 5.
EFFECTIVE DATE**


This Ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Howardwick, Texas, on this 9th day of September, 2025.

APPROVED:


Johnny Floyd, Mayor

ATTEST:


Sandra Childress, City Secretary