

ORDINANCE NO. 24-07-18-01

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTIONS 12.501 AND 12.515 OF CHAPTER 12 OF THE LAGO VISTA CODE OF ORDINANCES TO AMEND REGULATIONS RELATED TO THE OPERATION OF GOLF CARTS ON CITY STREETS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established regulations related to the operation of golf carts; and

WHEREAS, the Texas Transportation Code Section 551.404 authorizes a municipality to authorize operation of off-highway vehicles on streets with a speed limit of 35 miles per hour or less; and

WHEREAS, the City Council of the City of Lago Vista desires to allow the operation of off-highway vehicles on certain city streets within the city limits of the City of Lago Vista and governed by certain regulations; and

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

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

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas does hereby amend Chapter 12 of the Lago Vista Code of Ordinances as shown in **Exhibit "A,"** and **Exhibit "B."**

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect 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, which remaining portions shall remain in full force and effect.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.013 of the *Texas Local Government Code*.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Texas Local Government Code*.

SECTION 7. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 18th day of July 2024.



Kevin Sullivan, Mayor

ATTEST:



Lucy Aldrich, City Secretary



On a motion by Councilor Roberts, seconded by Councilor Saun, the above and foregoing ordinance was passed and approved.

EXHIBIT A

ARTICLE 12.500 TRAFFIC REGULATIONS GENERALLY

Sec 12.501 Definitions

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section.

All-terrain vehicle (ATV). *A vehicle, equipped with a seat or seats that is designed to propel itself with three or more tires in contact with the ground and as defined by the Texas Transportation Code section 551A.001, as it now reads or as it may be amended.*

Alley. A public thoroughfare which ordinarily affords only a second means of access to abutting property.

Authorized Emergency Vehicle. Vehicles of the fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police.

Business District. The territory contiguous to and including a roadway when, within any six hundred (600) feet along such roadway, there are buildings in use for business or industrial purposes, which occupy three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the roadway.

Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway. The word "crosswalk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb Loading Zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or parcels.

Driver or Operator. Every person who drives or is in actual physical control of a vehicle possessing a valid driver's license recognized by the Texas Department of Public Safety.

Freight Curb Loading Zone. A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

Golf cart. A motor vehicle designed by the manufacturer primarily for use on a golf course as assigned by section 551.401, Texas Transportation Code, as it now reads or as it may be amended.

Intersection. The area embraced within the prolongation of connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two (2) streets which join one another at, or approximately at, right angles, or the area within which vehicles

traveling upon different streets joining at any other angle may come in conflict. Where a street includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) thirty (30) feet or more apart, then every crossing two (2) roadways of such streets shall be regarded as a separate intersection.

Laned Roadway. A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Limited-access or Control-Access Highway. Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Motor Vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but which is not operated upon rails.

Neighborhood electric vehicle (NEV). A vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with the Federal Motor Vehicle Safety Standard 500.

Off-highway vehicle. A recreational off-highway vehicle as defined in the Texas Transportation Code section 551A.001, excluding sand rails and all-terrain vehicles (ATV), as it now reads or as it may be amended, a golf cart as defined herein, neighborhood electric vehicle (NEV), a recreational off-highway Vehicle (ROV), or a utility vehicle (UTV).

Official Time Standard. Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this city.

Official Traffic-Control Devices. All signs, signals, markings, and devices not inconsistent with this article placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Park. The standing of a vehicle, whether occupied or not, for a period longer than state law or city ordinance allows, other than temporarily, for the purpose of and while actually engaged in loading or unloading.

Passenger Curb Loading Zone. A place adjacent to a curb for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian. Any person afoot.

Police Officer. Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Recreational off-highway vehicle (ROV). A vehicle, as defined in the Texas Transportation Code 551A.001 as it now reads or as it may be amended, that is equipped with a seat or seats for the use of the rider, a passenger, or passengers, designed to propel itself with four or more tires in contact with the ground.

Sand rails. A vehicle as defined by Section 502.001 of the Texas Transportation Code as it now reads or as it may be amended, that is designed or built primarily for off-highway use in sandy terrains, including for use on sand dunes.

Residence District. The territory contiguous to and including a street or highway not comprising a business district when the property on such street or highway, for a distance of three hundred (300) feet or more, is, in the main, improved with residences or residences and buildings in use for business.

Right-of-Way. The privilege of the immediate use of the roadway.

Roadway. That portion of a street or highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two (2) or more separate roadways, the terms "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

Safety Zones. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all time while set apart as a safety zone.

Sand rails. A vehicle as defined by section 502. 001 of the Texas Transportation Code as it now reads or as it may be amended, that is designed or built primarily for off-highway use in sandy terrains, including for use on sand dunes.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Stop. When required, means complete cessation of movement.

Stop, stopping or standing. Means any stopping or standing of a vehicle, whether occupied or not, when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

Street or highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Traffic. Pedestrians, ridden or herded animals, passenger and cargo vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.

Traffic Control Signal. Any device, whether manually or automatically operated, by which traffic is alternately directed to stop and to proceed.

Utility Vehicle (UTV). A vehicle as defined by section 551A.001 of the Texas Transportation Code, as it now reads or as it may be amended, that is equipped with side-by-side seating for the use of the operator and passenger and is designed to propel itself with at least four tires in contact with the ground.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Sec 12.515 Off-Highway Vehicles

1. Operation; required equipment. A person may operate an Off-Highway Vehicle on all streets and roadways with a speed limit of 35 Miles Per Hour or less in the city, if:

1. The operator is in possession of a driver's license that is valid under the laws of the person's state of residence and the Texas Transportation Code;
2. Crossing a street, including a street with a speed limit of more than 35 miles per hour occurs at an intersection;
3. The operator follows all rules of the road as required by the Texas Transportation Code;
4. The Off-Highway Vehicle does not carry more passengers than for which the Off-Highway Vehicle was designed by the manufacturer;
5. The Off-Highway Vehicle must move to the right and yield the right-of-way to faster moving vehicles when safe and reasonable to do so;
6. The Off-Highway Vehicle displays a slow-moving-vehicle emblem as required by Texas Transportation Code, section 547.703(d); and
7. The Off-Highway Vehicle is equipped with all equipment as required by Texas Transportation Code 551.4041:

A. Headlamps;

B. Taillamps;

C. Reflectors;

D. Parking brake;

E. Mirrors.

8. Failure to comply with this section is punishable by a fine in accordance with the general penalty provision set forth in Section 1.109 of this code upon conviction in municipal court.

EXHIBIT B

ARTICLE 12.500 TRAFFIC REGULATIONS GENERALLY

Sec 12.501 Definitions

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section.

***All-terrain vehicle (ATV).** A vehicle, equipped with a seat or seats that is designed to propel itself with three or more tires in contact with the ground and as defined by the Texas Transportation Code section 551A.001, as it now reads or as it may be amended.*

Alley. A public thoroughfare which ordinarily affords only a second means of access to abutting property.

Authorized Emergency Vehicle. Vehicles of the fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police.

Business District. The territory contiguous to and including a roadway when, within any six hundred (600) feet along such roadway, there are buildings in use for business or industrial purposes, which occupy three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the roadway.

Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway. The word "crosswalk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb Loading Zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or parcels.

Driver or Operator. Every person who drives or is in actual physical control of a vehicle possessing a valid driver's license recognized by the Texas Department of Public Safety.

Freight Curb Loading Zone. A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

Golf cart. A motor vehicle designed by the manufacturer primarily for use on a golf course as assigned by section 551.401, Texas Transportation Code, as it now reads or as it may be amended.

Intersection. The area embraced within the prolongation of connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two (2) streets which join one another at, or approximately at, right angles, or the area within which vehicles

traveling upon different streets joining at any other angle may come in conflict. Where a street includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) thirty (30) feet or more apart, then every crossing two (2) roadways of such streets shall be regarded as a separate intersection.

Laned Roadway. A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Limited-access or Control-Access Highway. Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Motor Vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but which is not operated upon rails.

Neighborhood electric vehicle (NEV). A vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with the Federal Motor Vehicle Safety Standard 500.

Off-highway vehicle. A recreational off-highway vehicle as defined in the Texas Transportation Code section 551A.001, excluding sand rails and all-terrain vehicles (ATV), as it now reads or as it may be amended, a golf cart as defined herein, neighborhood electric vehicle (NEV), a recreational off-highway Vehicle (ROV), or a utility vehicle (UTV).

Official Time Standard. Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this city.

Official Traffic-Control Devices. All signs, signals, markings, and devices not inconsistent with this article placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Park. The standing of a vehicle, whether occupied or not, for a period longer than state law or city ordinance allows, other than temporarily, for the purpose of and while actually engaged in loading or unloading.

Passenger Curb Loading Zone. A place adjacent to a curb for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian. Any person afoot.

Police Officer. Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Recreational off-highway vehicle (ROV). A vehicle, as defined in the Texas Transportation Code 551A.001 as it now reads or as it may be amended, that is equipped with a seat or seats for the use of the rider, a passenger, or passengers, designed to propel itself with four or more tires in contact with the ground.

Residence District. The territory contiguous to and including a street or highway not comprising a business district when the property on such street or highway, for a distance of three hundred (300) feet or more, is, in the main, improved with residences or residences and buildings in use for business.

Right-of-Way. The privilege of the immediate use of the roadway.

Roadway. That portion of a street or highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two (2) or more separate roadways, the terms "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

Safety Zones. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all time while set apart as a safety zone.

Sand rails. A vehicle as defined by section 502. 001 of the Texas Transportation Code as it now reads or as it may be amended, that is designed or built primarily for off-highway use in sandy terrains, including for use on sand dunes.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Stop. When required, means complete cessation of movement.

Stop, stopping or standing. Means any stopping or standing of a vehicle, whether occupied or not, when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

Street or highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Traffic. Pedestrians, ridden or herded animals, passenger and cargo vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.

Traffic Control Signal. Any device, whether manually or automatically operated, by which traffic is alternately directed to stop and to proceed.

Utility Vehicle (UTV). A vehicle as defined by section 551A.001 of the Texas Transportation Code, as it now reads or as it may be amended, that is equipped with side-by-side seating for the use of the operator and passenger and is designed to propel itself with at least four tires in contact with the ground.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Sec 12.515 Golf Carts Off-Highway Vehicles

~~It shall be the responsibility of the golf cart owner/operator to exercise caution and safety while operating a golf cart.~~

1. Operation; required equipment. A person may operate an Off-Highway Vehicle on all streets and roadways with a speed limit of 35 Miles Per Hour or less in the city, if:

1. The operator is in possession of a driver's license that is valid under the laws of the person's state of residence and the Texas Transportation Code;
2. Crossing a street, including a street with a speed limit of more than 35 miles per hour occurs at an intersection;
3. The operator follows all rules of the road as required by the Texas Transportation Code;
4. The Off-Highway Vehicle does not carry more passengers than for which the Off-Highway Vehicle was designed by the manufacturer;
5. The Off-Highway Vehicle must move to the right and yield the right-of-way to faster moving vehicles when safe and reasonable to do so;
6. The Off-Highway Vehicle displays a slow-moving-vehicle emblem as required by Texas Transportation Code, section 547.703(d); and
7. The Off-Highway Vehicle is equipped with all equipment as required by Texas Transportation Code 551.4041:

A. Headlamps;

B. Taillamps;

C. Reflectors;

D. Parking brake;

E. Mirrors.

8. Failure to comply with this section is punishable by a fine in accordance with the general penalty provision set forth in Section 1.109 of this code upon conviction in municipal court.