

ORDINANCE NO. 23-1218-4

AN ORDINANCE OF THE CITY OF LEXINGTON, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 106, TRAFFIC AND VIOLATIONS, ARTICLE IV, MOTORIZED CARTS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City of Lexington, Texas ("City") is a Type A General Law municipality incorporated and operating under the Laws of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code § 51.001, the City Council of the City of Lexington, Texas ("City Council") has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

WHEREAS, pursuant to Texas Transportation Code § 551.404 the City Council has adopted regulations allowing an operator to operate a golf cart on all or part of a highway with a posted speed limit of not more than 35 miles per hour and within the city limits; and

WHEREAS, pursuant to Texas Transportation Code § 551A.053 the City Council has adopted regulations allowing an operator to operate an unregistered off-highway vehicle on all or part of a highway with a posted speed limit of not more than 35 miles per hour and within the city limits;

WHEREAS, the City Council desires to amend the City's regulations to exclude all-terrain vehicles from operation on streets within the City and allow motorized carts to cross at intersections;

WHEREAS, the City Council finds that the amendments and regulations contained herein are for the good government, peace, order and safety of the citizens of the City of Lexington;

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

Section 1. Chapter 106, Traffic and Vehicles, Article IV, Motorized Carts, Sec. 106.55, Definitions of the Code of Ordinances, City of Lexington, Texas, is hereby amended in its entirety to read as follows:

Sec.106.55. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except when the context clearly indicates a different meaning.

All-Terrain Vehicles (ATVs) means a motor vehicle that is (A) equipped with a seat or seats for the use of the rider and 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) is not more than 50 inches wide.

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

Driver's License means an authorization issued by a State for the operation of a motor vehicle.

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

Motorized cart means a golf cart or off-highway vehicle.

Motorized Mobility Device means a motorized mobility device designed for transportation of persons with physical disabilities that:

- (1) Has three or more wheels;
- (2) Is propelled by a battery-powered motor;
- (3) Has not more than one forward gear; and
- (4) Is not capable of speeds exceeding eight miles per hour.

Night Time means the period beginning one half hour after sunset and ending one half hour before sunrise as defined by Texas Transportation Code § 541.401(5).

Non-Street Legal Vehicles means those vehicles not authorized to be legally driven on a street or highway by the Texas Transportation Code or this Article.

Off-Highway Vehicle (OHV) means a recreational off-highway vehicle or utility vehicle.

Owner means the person holding title to the motorized cart.

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.

Public Safety Personnel means any peace officer or other person who provides law enforcement, firefighting, ambulance, medical, or other emergency services, including a volunteer firefighter.

Public Utility Technician means any employee of the City of Lexington who furnishes, operates, maintains, or replaces public utilities, including water, electricity, natural gas, telephone service, and other essentials utilities as approved by the City of Lexington, whether publicly or privately owned.

Recreational Off-Highway Vehicle means a motor vehicle that is: (A) equipped with a seat or seats for the use of: the rider and 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.

Sidewalk means the portion of a street that is between a curb or lateral line of a roadway and the adjacent property line and intended for pedestrian use.

Slow-Moving-Vehicle-Emblem means a triangular emblem that conforms to standards and specifications adopted by the director under *Section 547.104* and displayed in accordance with *Section 547.703* of the Texas Transportation Code.

Street means the public roadways of the City of Lexington, Texas 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.

Trafficway is any land open to the public as a matter of right or custom for moving persons or property from one place to another. The trafficway includes all property, both improved and unimproved, between the property lines of a roadway system.

Utility Vehicle means a motor vehicle that is not a golf cart or lawn mower and is: (A) equipped with side-by-side seating for the use of the operator and 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.

Chapter 106, Traffic and Vehicles, Article IV, Motorized Carts, Sec. 106.56, Motorized Cart Required Equipment of the Code of Ordinances, City of Lexington, Texas, is hereby amended in its entirety to read as follows:

Sec. 106.56. Motorized cart required equipment.

(a) Every motorized cart on a street must be equipped with the following:

- (1) Operational head lamps;
- (2) Operational tail lamps;
- (3) Reflectors;
- (4) Operational parking brake;
- (5) Mirrors;
- (6) License plate from the Texas Department of Motor Vehicles; and
- (7) Slow-Moving-Vehicle Emblem.

(b) All required equipment shall meet Texas and Federal Motor Vehicle Safety Standards.

Chapter 106, Traffic and Vehicles, Article IV, Motorized Carts, Sec. 106.58, Operational Regulations of the Code of Ordinances, City of Lexington, Texas, is hereby amended in its entirety to read as follows:

Sec. 106.58. Operational Regulations.

(a) All drivers of motorized carts shall hold a valid driver's license and shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the City.

(b) Motorized carts shall not be operated on any sidewalk, pedestrian walkway, jogging path, park trail or any location normally used for pedestrian traffic except for official police business or by the City of Lexington personnel conducting a required job function directly related to their assigned duties.

(c) No person may operate a motorized cart upon a street, trafficway, multi-lane or federal, county or state route having a posted speed greater than 35 m.p.h. unless the person is crossing at an intersection as authorized under subsection (g).

(d) All motorized carts are entitled to a full use of a lane on the authorized streets and parking areas of the City and no motor vehicle shall be driven in such a manner as to deprive any motorized cart of the full use of a lane.

(e) The driver of a motorized cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(f) No driver shall operate a motorized cart between lanes of traffic or between adjacent lines or rows of vehicles.

(g) The driver of a motorized cart with a current and valid driver's license operating the cart on a street (as defined herein) may cross a multi-lane or a federal, county or state route only at an intersection. The driver of a motorized cart may cross a multi-lane road, other than a federal, state, or county route, if it is required

to cross from one portion of a golf course to another portion of the same golf course. If a golf cart crossing path is provided for transition between one section of a golf course to another section of the same golf course across a multi-lane road, the operator shall cross at and within the golf cart crossing path.

(h) The number of occupants in a motorized cart shall be limited to the number of persons for whom factory seating is installed and provided on the motorized cart. The operator and all occupants shall be seated upon the seat of the motorized cart and no part of the body of the operator or occupant shall extend outside the perimeter of the motorized cart while the motorized cart is being operated. The operator shall not permit any occupant of the motorized cart to ride in the lap of any occupant while the motorized cart is in motion.

(i) Children must be properly seated while a motorized cart is in motion and may not be transported in a reckless or negligent manner. No person younger than 6 years of age may be transported in a motorized cart unless restrained by a safety belt restraint.

(j) Motorized carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing or parking of motorized carts in any area where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or a passageway is prohibited. Motorized carts shall not park within any space designated for disabled persons unless a current disabled parking placard is displayed and the person to whom the placard was issued is operating or being transported by the cart.

(k) Motorized carts may not be used for the purpose of towing a person on roller skates, skateboard or bicycle. A person employed by a golf course may tow a golf cart(s) for the purpose relocating the golf cart(s) from one portion of a golf course to another portion of the same golf course.

(l) Motorized carts shall not be operated during inclement weather or when visibility is impaired by weather, smoke, fog, or other condition, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of five hundred (500) feet.

(m) ATV's are prohibited on the city streets.

Section 2. The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

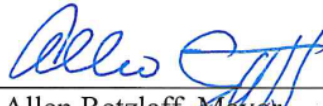
Section 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Lexington hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

Section 4. This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

Section 5. It is hereby officially found and determined that the meeting at which this Ordinance was 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.

Passed and adopted this the 18th day of December, 2023.

City of Lexington, Texas



Hon. Allen Retzlaff, Mayor

Attest:



Tina Biehle, City Secretary

