

TITLE VII: TRAFFIC CODE

Chapter

70. VEHICLE REGULATIONS

71. RECREATIONAL VEHICLES

CHAPTER 70: VEHICLE REGULATIONS

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▪ **70.01 SHORT TITLE.**

This traffic code shall be known and may be cited as the ATraffic Code of the Village of Jones Creek, Texas@.
(Ord. 50, passed 7-30-1974)

▪ **70.02 PURPOSE; ADOPTION OF UNIFORM ACT.**

The purpose of this traffic code is to adopt regulations applicable to all persons, vehicles, bicycles, and pedestrians using the public streets and highways of the village, as permitted by the state=s Uniform Act Regulating Traffic on Highways, codified as Tex. Transportation Code Chs. 541 to 545, hereinafter sometimes referred to as Athe Uniform Act@, which is hereby adopted as a part hereof and made applicable to all persons, vehicles, bicycles, and pedestrians within the village. The purpose of this traffic code is also to exercise the authority vested in the Village Council under the provisions of Tex. Transportation Code Chs. 541 to 545.
(Ord. 50, passed 7-30-1974; Ord. 75, passed 2-3-1977)

▪ **70.03 RULES OF CONSTRUCTION.**

(A) The definitions set forth in Tex. Transportation Code Chs. 541 to 545 are hereby incorporated herein by reference and made a part hereof as if copied in full at this point in this section.

(B) In the construction of this traffic code, the following rules shall be observed.

(1) The singular number shall include the plural number and the plural number shall include the singular number.

(2) The masculine gender shall include the feminine and neuter genders.

(3) The use of a word in one tense shall, where logical and reasonable in the context in which such word is used, be construed to include such word in any of its other tenses.

(4) In the event any section or provision of this traffic code is found to be unconstitutional, void, or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this traffic code and such remaining sections and provisions shall remain in full force and effect.

(5) All words and phrases not specifically defined in division (A) above or elsewhere herein shall be given their usual and customary meaning.

(6) In any prosecution hereunder in the Municipal Court of the village, or any other court of competent jurisdiction, the complaint charging a violation of this traffic code need not negative the existence of any exception contained herein, but the existence of the same may be raised by the defendant in any such prosecution by way of defense.

(Ord. 50, passed 7-30-1974; Ord. 75, passed 2-3-1977)

▪ **70.04 SIGNS AND TRAFFIC-CONTROL DEVICES.**

As soon as practical after the effective date of this traffic code, or any amendments hereto, setting a prima facie speed limit or authorizing the erection of a traffic-control device, or both, the Mayor is authorized to cause appropriate signs giving notice of such speed limits as are set by this traffic code, or any amendment hereto, and to cause such traffic-control devices as are authorized by this traffic code, or any amendment hereto, to be erected at all appropriate or designated locations, respectively. In this connection, the Mayor is directed to coordinate his or her efforts with the state's Highway Commission and State Engineer and the offices of the County Engineer and Commissioner of Precinct No. Four of the county, with a view to reducing to a minimum the expense to the village for the erection of such signs and devices.

(Ord. 50, passed 7-30-1974)

▪ **70.05 COUNCIL TO DETERMINE SIGNAGE.**

(A) *Stop intersections designated and signs authorized.* As permitted by Tex. Transportation Code Chs. 541 to 545, the Village Council hereby designate as stop intersections the intersections designated in Ord. 50 and authorize the erection of stop signs conforming to the requirements of the Uniform Act at the following designated entrances thereto, to-wit: those designated in ASchedule A@, attached to Ord. 50 and made a part hereof as fully as if set forth at this point in this section.

(B) *Yield intersections designated and signs authorized.* As permitted by Tex. Transportation Code Chs. 541 to 545, the Village Council hereby designate as yield intersections the intersections designated in Ord. 50 and authorize the erection of yield signs conforming to the requirements of the Uniform Act at the following designated entrances thereto, to-wit: those designated in ASchedule B@, attached to Ord. 50 and made a part hereof as fully as if set forth at this point in this section.
(Ord. 50, passed 7-30-1974)

▪ **70.99 PENALTY.**

From and after the effective date of this traffic code, it shall be a misdemeanor for any person to violate the provisions of this traffic code. Every person convicted of a misdemeanor for violating any provision of the Uniform Act or of this traffic code for which another penalty is not provided or cannot be imposed under the Uniform Act or another law of the state, shall be punished by a fine of not less than \$1 nor more than \$2,000.
(Ord. 50, passed 7-30-1974)

CHAPTER 71: RECREATIONAL VEHICLES

Section

Golf Carts

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- 71.02 Definitions
- 71.03 Permits and requirements
- 71.04 Gas-powered golf carts
- 71.05 Additional regulations
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- 71.07 Permit required

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GOLF CARTS

71.01 APPLICATION.

The provisions of this subchapter shall apply to all golf carts operated upon the public streets or public cart paths within the village; except, the operation of golf carts is not subject to the provisions of this subchapter under the following circumstances:

(A) The operation of golf carts at golf courses, private clubs, or on private property, with the consent of the owner, or the operation of golf carts within gated or limited access communities unless the streets of the community are dedicated for public use and maintained by the village, or the use of a golf cart in connection with a parade, a festival, or other special event, provided the consent of the sponsor is obtained and provided such vehicle is only used during such event; or

(B) The use of golf carts by the village on official police business or the use of golf carts by village personnel for official business on village owned or village leased property.
(Ord. 460, passed 1-15-2013)

71.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVER. The person driving and having physical control over the golf cart.

DRIVER'S LICENSE. An authorization issued by a state for the operation of a motor vehicle. The term includes a temporary license or instruction permit, and an occupational license.

GOLF CART. A motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.

PARKING AREA. 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.

PERMIT. A certificate/decal of authorization issued to the applicant by the Village Marshal's office authorizing the operation of the golf cart for which the permit was issued. The decal will display the month and year of expiration.

PERMIT HOLDER. The person to whom a golf cart permit has been issued.

PUBLIC STREET. A publicly owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the corporate boundaries of the village.

SIDEWALK. 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. A triangular emblem that conforms to standards and specifications adopted by the state's Department of Transportation under the Tex. Transportation Code ' 547.104 and is displayed in accordance with the Tex. Transportation Code ' 547.703. (Ord. 460, passed 1-15-2013)

71.03 PERMITS AND REQUIREMENTS.

A person may operate a golf cart on a public street or parking area if the person obtains a permit and meets the following requirements:

- (A) The maximum speed limit on the public streets is 35 mph or less;
- (B) The person has a valid driver's license;
- (C) The person maintains current financial responsibility for the golf cart, as required of other

passenger vehicles in the Tex. Transportation Code ' 601.051;

(D) The person complies with all applicable federal, state, and local laws and ordinances;

(E) The golf cart has the following equipment, which must continuously remain in good working and operational order:

(1) Two head lamps;

(2) Two tail lamps;

(3) Side reflectors (two front, amber in color and two rear, red in color);

(4) Parking brake;

(5) Rearview mirror(s) capable of a clear, unobstructed view of at least 200 feet to the rear;

(6) Slow moving vehicle emblem;

(7) A fluorescent triangular security flag of at least ten inches by 12 inches attached on a six-foot rod mounted to the golf cart in visible sight; and

(8) The equipment described herein meets the state and federal motor vehicle safety standards, as they exist or may be amended;

(F) While the golf cart is in motion, the driver and every passenger in a golf cart is seated in a seat designed to hold passengers. No person may stand or ride in the lap of the driver and/or other passenger of a golf cart while it is moving.

(Ord. 460, passed 1-15-2013)

' 71.04 GAS-POWERED GOLF CARTS.

In addition to the requirements set forth in ' 71.03, every golf cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and in constant operation which meets the following specifications.

(A) The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler and exhaust pipes, or including any and all parts specified by the manufacturer.

(B) The exhaust system and its elements shall be securely fastened with brackets or hangers, which are designed for the particular purpose of fastening golf cart exhaust systems.

(C) The engine and power mechanism of every golf cart shall be so equipped, adjusted, and tuned

so that the exhaust is in good working order.

(D) It shall be unlawful for the owner of any golf cart to operate, or permit the operation of, such golf cart on which any device controlling or abating atmospheric emissions, which is placed on a golf cart by the manufacturer, is rendered unserviceable by removal, alteration, or which interferes with its operation.

(Ord. 460, passed 1-15-2013) Penalty, see ' 71.99

• **71.05 ADDITIONAL REGULATIONS.**

(A) Except for village police or other village personnel, carts shall not be operated during the period from one-half hour after sunset to one-half hour before sunrise.

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

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

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

(E) The driver of a golf cart operating the golf cart on a public street may only cross a multi-lane federal, state, or county route at an intersection controlled by an official traffic-control device which stops traffic from all directions.

(F) The number of occupants in a golf cart shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart.

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

(H) Golf carts may not be used for the purpose of towing another golf cart, trailer, or vehicle of any kind including, without limitation, a person on roller skates, skateboard, or bicycle.

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

(Ord. 460, passed 1-15-2013) Penalty, see ' 71.99

▪ **71.06 LIABILITY.**

(A) Nothing in this subchapter shall be construed as an assumption of liability by the village for any injuries (including death) to persons, pets, or property which may result from the operation of a golf cart by an authorized driver.

(B) Owners are fully liable and accountable for the action of any individual that they provide permission to operate and drive said golf cart, both on personal property and/or public streets and parking areas. This described liability and responsibility especially applies to personal injuries (including death) or property damage resulting from golf cart drivers who are minors under the age of 21 with or without a current and valid driver=s license.

(Ord. 460, passed 1-15-2013)

▪ **71.07 PERMIT REQUIRED.**

(A) No person shall operate, cause to be operated, or allow the operation of a golf cart on any authorized public streets or parking areas unless a valid permit has been issued for the golf cart or it is otherwise allowed by law. A permit is not required for golf carts owned or leased by a golf course or owned by a private party and used entirely on the golf course or crossing from one section of a golf course to another section of the same course. No golf cart exempted from permitting under this section may be operated on any public street or parking area for any other purpose.

(B) Application for a permit authorizing the operation of a golf cart shall be made by a person who owns, leases, or otherwise uses a golf cart. Such application shall be made in writing to the Village Marshal on a form designated for that purpose. On such application shall be set forth the following:

(1) The name, address, telephone number, and state driver=s license number, if applicable, of the permit holder;

(2) The street address where the golf cart is kept, including the particular apartment number, if applicable;

(3) The business name used for the premises where the golf cart is kept, if applicable;

(4) The year, make, model, color, vehicle identification number, or serial number if no vehicle identification has been issued to the golf cart, electric or gasoline; and

(5) The person(s) and location, designated by the Village Marshal, that inspected the golf cart, including a certification by said inspector that the golf cart complies with the requirements of this subchapter before the issuance of a permit.

(C) The permit shall be permanently affixed on the left side of the golf cart in such a manner that it is clearly visible from 50 feet. The permit must not be damaged, altered, obstructed, or otherwise made illegible. The permit holder shall apply for a replacement permit and pay all applicable costs associated with the issuance and inspection of the golf cart.

(D) The permit shall only be placed on the golf cart for which it is issued.

(E) A permit issued to a golf cart shall become invalid if the golf cart is altered in a manner that fails to comply with any requirement of this subchapter.

(F) Permit/stickers are valid for a period of two years. A fee of \$20 is assessed for the inspection and permit/sticker.

(G) The permit holder shall notify the Village Marshal within ten working days if the golf cart transfers ownership or the address of the normal storage location has changed. The information shall be submitted on a form designated by the Village Marshal.

(H) Lost or stolen permits/stickers are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit/sticker. If no record can be found of a previous application or the receipt of a permit/sticker, the Village Marshal may direct the applicant to reapply and also resubmit any and all fees necessary before a replacement permit/sticker is issued.

(I) Any person who operates a golf cart and fails to receive and properly place a village permit/sticker will be subject to all applicable state laws, in addition to being violation of this subchapter.

(J) A permit may be revoked at any time by the Village Marshal or his or her designee if there is any evidence that the permit holder cannot operate a golf cart on any authorized public streets or parking areas of the village in compliance with this subchapter.

(Ord. 460, passed 1-15-2013) Penalty, see ' 71.99

' 71.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99 of this code of ordinances.

(B) Any person, firm, entity, or corporation who violates any provision of ' ' 71.01 through 71.07, as it exists or may be amended, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined a sum not to exceed \$500. Each continuing day=s violation under ' ' 71.01 through 71.07 shall constitute a separate offense. The penal provisions of ' ' 71.01 through 71.07 shall not preclude the village from filing suit to enjoin the violation. The village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

(Ord. 460, passed 1-15-2013)