

ORDINANCE NO. 2025-001

AN ORDINANCE OF THE CITY OF CLUTE, TEXAS CONTAINING A PREAMBLE; ADDING ARTICLE IX TO SECTION 110 OF THE CODE OF ORDINANCES OF SAID CITY, AND REGULATING THE USE OF MOTORIZED CARTS ON PUBLIC STREETS, CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Clute, Texas is a Home Rule City and a Home Rule Municipality lying and situated in Brazoria County, Texas, as described and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Section 621.303 of the Texas Transportation Code and Section 2.05, 2.12 and 5.02(13) of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined and does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of its inhabitants, the motoring public traveling upon its public streets and its residents who seek to operate golf carts and other motorized carts.

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

FIRST, that Article IX is hereby added to Section 110 of the Code of Ordinances of the City of Clute, Texas, and shall read as follows:

Chapter 110 -TRAFFIC AND VEHICLES

ARTICLE IX. – MOTORIZED VEHICLES

Sec. 110-400 Definitions.

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

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. The term includes a temporary license or an occupational license.

Golf cart means a motor vehicle designed by the manufacturer primarily for use on a golf course and has a maximum speed of 25 miles per hour.

Motorized cart means golf carts, recreational off-highway vehicles, and utility vehicles as herein defined.

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 highway includes a road, street, way, thoroughfare, or bridge that is for the use of vehicles, is not privately owned or controlled, and over which the state has legislative jurisdiction.

Recreational off-highway vehicle means a motor vehicle that is equipped with side-by-side seating for the use of the operator and one or more passengers, designed to propel itself with four or more tires in contact with the ground, designed by the manufacturer for off-highway use only, and 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.

Utility vehicle means a motor vehicle that is not a golf cart or a lawn mower and is equipped with side-by-side seating for the use of the operator and passenger, designed to propel itself with at least four tires in contact with the ground, designed by the manufacturer for off-highway use only, and designed by the manufacturer primarily for utility work and not for recreational purposes.

Sec. 110-401 Operation of motorized carts.

- (a) An operator may operate a motorized cart on a roadway in the City of Clute only as provided below:
 - (1) To cross a highway at an intersection, including an intersection with a highway that has a posted speed limit of more than 35 miles per hour; or
 - (2) On a highway for which the posted speed limit is not more than 35 miles per hour.
- (b) Pursuant to Texas Transportation Code §551A.054 and in the interest of safety, all off-highway vehicles, as that term is defined in Texas Transportation Code §551A.001, are prohibited from operation on a highway except as provided in subsection (a).
- (c) In addition, the operation of motorized carts is authorized in the following circumstances:
 - (1) The operation of golf carts at golf courses, private clubs or on private property, with the consent of the owner, or the use of a motorized 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.
 - (2) A peace officer or other person who provides law enforcement, firefighting, ambulance, medical, or other emergency services, including a volunteer firefighter, may operate a motorized cart on a highway that is not an interstate or limited-access highway if the operation is in connection with the performance of the operator's official duty;
 - (3) The use of motorized carts by City of Clute personnel for official business on city owned property and city leased property;
- (4) The operation of a motorized cart bearing license plates issued under Texas Transportation Code §551.452 for the purpose of picking up or delivering mail, parcels, packages on all or part of a public highway that has a speed limit of not more than 35 miles per hour.

Sec. 110-402 License and financial responsibility required.

An operator operating a motorized cart as authorized by this article shall carry on the operator's person a valid driver's license be at least 18 years of age, and proof of valid liability insurance covering that operator's operation of said motorized cart and meets the requirements of Texas Transportation Code Ch. 601, Sub. D.

Sec. 110-403 Operational regulations.

- (a) Operators of motorized carts shall obey all traffic regulations applicable to vehicular traffic when operating a motorized cart pursuant to this article.
- (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 Clute personnel conducting a required job function directly related to their assigned duties.
- (c) All motorized carts are entitled to 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.
- (d) The driver of a motorized cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (e) No driver shall operate a motorized cart between lanes of traffic or between adjacent lines or rows of vehicles.
- (f) 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 passengers shall be seated upon the seating of the motorized cart and no part of the body of the operator or any passenger shall extend outside the perimeter of the motorized cart while the motorized cart is being operated. The operator shall not permit any person to ride in the lap of any occupant of the cart while the cart is in motion.
- (g) Children must be properly seated while a motorized cart is in motion and may not be transported in a reckless or negligent manner.
- (h) 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 areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or a passageway is prohibited. No person may park a motorized cart 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.
- (i) Motorized carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind including a person on roller skates, skateboard or bicycle. A person employed by a golf course may tow a cart(s) for the purpose of relocating the cart(s) from one portion of a golf course to another portion of the same golf course.
- (j) 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 500 feet.
- (k) Motorized carts shall comply with §547.302 regarding the duty to display lights at night or in low visibility conditions.

Sec. 110-404 Offense.

- (a) Any person who operates a golf cart or off-highway vehicle, as that term is defined in Texas Transportation Code Ch. 551A, in a manner that violates this article shall be guilty of a misdemeanor and upon conviction fined not more than \$500.00.
- (b) Any owner of a golf cart or off-highway vehicle that allows another to operate said golf cart or off-highway vehicle in a manner that violates this article shall be guilty of a misdemeanor and upon conviction fined not more than \$500.00.

SECOND, the City Manager of the City of Clute, Texas, is hereby authorized, at his discretion, to cause any appropriate signs at appropriate locations upon portions of the public streets and highways to which such limits or permissions apply.

THIRD, in the event any section of this ordinance 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 ordinance and such remaining sections and provisions shall remain in full force and effect.

FOURTH, this ordinance shall take effect and be in force from and after its descriptive caption has been published twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this _____ day of January, 2025

Calvin Shiflet, Mayor,
City of Clute, Texas

ATTEST:

APPROVED AS TO FORM ONLY:

Rosie Poitevint, City Clerk,
City of Clute, Texas

Christopher Duncan, City Attorney,
City of Clute, Texas