

ORDINANCE NO: 06082021

Golf Carts - Side-By-Sides - Utility Terrain Vehicles

AN ORDINANCE OF THE CITY OF LEONARD, FANNIN COUNTY, TEXAS: ESTABLISHING A RULE FOR OPERATION OF GOLF CARTS AND ALL TERRAIN VEHICLES UPON THE CITY OF LEONARD PUBLIC STREETS. REPEALING ANY EXISTING GOLF CART, SIDE-BY-SIDES, UTILITY TERRAIN VEHICLES (SLOW MOVING VEHICLES [SMV]) ORDINANCE; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE AND PENALTY.

I. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Golf Cart – Side-By-Side, Utility Terrain Vehicle (SMV - Slow Moving Vehicles) shall have the same meaning:

II. Golf Cart means a motor vehicle that is:

- (1) Equipped with a saddle or bench for the use of the rider;
- (2) Designed to propel itself with three or more tires in contact with the ground;
- (3) Designed by the manufacturer for off-highway use only; and
- (4) Not designed by the manufacturer primarily for farming or lawn care.

III. Side-By-Side means a motor vehicle that is:

- (1) Equipped with a seat or bench for the use of the rider;
- (2) Designed to propel itself with three or more tires in contact with the ground;
- (3) Designed by the manufacturer for off-highway use only; and
- (4) Not designed by the manufacturer primarily for farming or lawn care.

IV. Utility Terrain Vehicle means a motor vehicle that is:

- (1) Equipped with a seat or bench for the use of the rider;
- (2) Designed to propel itself with four or more tires in contact with the ground;

- (3) Designed by the manufacturer for off-highway use only; and
 - (4) Is designed by manufacturer for utility work and not for recreational purposes.
- V. **Daylight** means the period beginning one-half hour (30 minutes) **before** sunrise and ending one-half hour (30 minutes) **after** sunset.
- VI. **Drivers license** means a license or permit to operate a motor vehicle issued by a state.
- VII. **Limited operation.**
An operator may operate a SMV on public roads and streets within the corporate boundaries of the city for which the posted **speed limit is not more than 35 miles per hour**. The SMV is operated during daylight hours with its **head lamps illuminated** and in compliance with all of the provisions of this chapter.
- VIII. **Equipment and other requirements.**
A SMV must have the following minimum equipment, in operating condition, to operate within the corporate city limits:
- (1) Head lamps;
 - (2) Tail lamps;
 - (3) Reflectors;
 - (4) Parking brake;
 - (5) Mirrors; and
 - (6) Slow-moving vehicle emblem that:
 - a. Has a reflective surface designed to be clearly visible in daylight at a distance of at least 500 feet;
 - b. Is mounted base down on the rear of the golf cart at a height from three to five feet above the road surface; and
 - c. Is maintained in a clean, reflective condition.
 - d. Has a bright orange flag mounted at a minimum of three (3) feet above the highest portion of the SMV.
- IX. **Passengers.**
It is a violation of this chapter for an operator of a SMV to transport passengers unless each passenger has their own seat that has been manufactured to accommodate passengers.

X. Use within corporate boundaries.

SMV may be operated within the corporate city limits on roads and streets with a posted speed limit of not more than 35 miles per hour.

The operator of a SMV on a city street or highway **shall not exceed 25 miles per hour.**

XI. Use prohibited on any state highway.

SMV are prohibited on any state highway located within the corporate boundaries of the city, except as otherwise stated herein.

XII. Crossing certain roadways.

A SMV may cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour, provided said crossing is at an intersection and is perpendicular to the public highway or city street.

XIII. Unlawful operation and use.

(a) It is an offense for any person to operate a SMV on a public highway, road or city street within the corporate city limits:

(1) Without a valid driver's license;

(2) With a posted speed limit of more than 35 miles per hour, except when crossing perpendicular at an intersection as stated herein;

(3) By crossing said public highway, road or city street, except when crossing perpendicular at an intersection as stated herein;

(4) By failing to comply with the equipment and other requirements set herein; and

(5) By failing to move to the right and yield the right-of-way to motor vehicles.

(b) It is an offense for any person, while operating a SMV and:

(1) While the SMV is in motion, to fail to remain seated or to fail to require every occupant of the SMV to remain seated in a seat designed to hold passengers; or

(2) And allow any occupant of the SMV to ride in the lap of the operator or any other occupant.

(c) It is an offense for the owner of a SMV to allow any person to operate said SMV in violation of this chapter.

(d) It is an offense for any person to operate a SMV on a public highway within the corporate city limits in violation of this chapter.

(e) It is an offense for the parent or guardian of an unlicensed minor to allow the unlicensed minor to operate a SMV within the corporate limits of the city.

(f) All Terrain Vehicles, commonly referred to as ‘four wheelers/three wheelers’ of any make, model or style ARE STRICKLY FORBIDDEN FROM OPERATION ON ANY PUBLIC ROADWAY.

XIII. Penalties.

(a) Persons who violates any provision of this chapter or shall fail to comply with any of the requirements herein commits an offense.

(b) An offense under this chapter is a misdemeanor punishable by a fine of not less than \$50.00 or more than \$500.00.

(c) Each violation of this chapter is a separate offense.

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

XIV. SEVERABILITY

It is hereby declared by the City Council of the City of Leonard that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this ordinance.

XV. OPEN MEETING

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

XVI. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

**PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF
LEONARD, TEXAS ON THIS 8th DAY OF June, 2021.**

Michael Pye, Mayor

Attest:

Leath Robinson, City Secretary

