

ORDINANCE NO. 001-2023

AN ORDINANCE OF THE TOWN OF BUFFALO GAP, TEXAS REPEALING AND REPLACING ORDINANCE NO. 007-2022; ALLOWING FOR THE OPERATION OF GOLF CARTS AND OFF-HIGHWAY VEHICLES ON CERTAIN STREETS WITHIN THE TOWN; REQUIRING CERTAIN EQUIPMENT; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE AND AN OPEN MEETINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town of Buffalo Gap (the “Town”) is a Type A general law municipality operating pursuant to the laws of the State of Texas;

WHEREAS, Subchapter F of Chapter 551 of the Texas Transportation Code allows golf carts to be operated in certain master planned communities or near golf courses, but authorizes municipalities to allow golf carts to be operated on certain roads with speed limits of not more than 35 miles per hour;

WHEREAS, Subchapter D of Chapter 551A of the Texas Transportation Code allows off-highway vehicles to be operated in certain master planned communities or near golf courses, but also authorizes municipalities to allow off-highway vehicles to be operated on certain roads with speed limits of not more than 35 miles per hour;

WHEREAS, the Town Council of the Town (the “Town Council”) hereby finds that it is in the best interest of the health, safety, and public welfare of the citizens of the Town that golf carts and off-highway vehicles be allowed to operate on roads within the Town with posted speed limits of not more than 35 miles per hour; and

WHEREAS, the Town Council adopted Ordinance No. 007-2022 on December 8, 2022 to allow for such operation of golf carts and off-highway vehicles but inadvertently did not include a requirement that golf carts have slow-moving vehicle emblems, as required by Section 547.703 of the Texas Transportation Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BUFFALO GAP, TEXAS, THAT the following provisions are hereby adopted as the Golf Cart and Off-Highway Vehicle Ordinance of the Town of Buffalo Gap, Texas:

Section 1. Definitions. In this Ordinance, the following terms shall have the meanings ascribed to them below:

- (a) “All-Terrain Vehicle” means a motor vehicle that is:
 - (1) 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;
 - (2) Designed to propel itself with three or more tires in contact with the ground;
 - (3) Designed by the manufacturer for off-highway use;
 - (4) Not designed for the manufacturer primarily for farming or lawn care; and

- (5) Not more than 50 inches wide.
- (b) “Golf Cart” means a motor vehicle designed by the manufacturer primarily for use on a golf course.
- (c) “Highway or street” means the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular traffic.
- (d) “Off-Highway Vehicle means:
- (1) An All-Terrain Vehicle or Recreational Off-Highway Vehicle;
 - (2) A Sand Rail; or
 - (3) A Utility Vehicle.
- (e) “Recreational Off-Highway Vehicle” means a motor vehicle that is:
- (1) 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;
 - (2) Designed to propel itself with four or more tires in contact with the ground;
 - (3) Designed by the manufacturer for off-highway use by the operator only; and
 - (4) Not designed by the manufacturer primarily for farming or lawn care.
- (f) “Sand Rail” means a vehicle that:
- (1) Is designed or built primarily for off-highway use in sandy terrains, including for use on sand dunes;
 - (2) Has a tubular frame, an integrated roll cage, and an engine that is rear-mounted or placed midway between the front and rear axles of the vehicle; and
 - (3) Has a gross vehicle weight of not less than 700 pounds and not more than 2,000 pounds.
- (g) “Utility Vehicle” means a motor vehicle that is not a Golf Cart or Lawn Mower and is:
- (1) Equipped with side-by-side seating for the use of the operator and a passenger;
 - (2) Designed to propel itself with at least four tires in contact with the ground;
 - (3) Designed by the manufacturer for off-highway use only; and
 - (4) Designed by the manufacturer primarily for utility work and not for recreational purposes.

Section 2. Golf Carts.

- (a) State Law Authorization. Golf Carts may be operated in limited areas pursuant to Section 551.403 of the Texas Transportation Code, as amended. Section 551.403 currently provides that an operator may operate a Golf Cart:
- (1) In a master planning community that is a residential subdivision as defined by Section 209.002(9), Property Code, or has in place a uniform set of restrictive covenants and for which the Town has approved one or more plats;
 - (2) On a public or private beach that is open to vehicular traffic;
 - (3) On a highway for which the posted speed limit is not more than 35 miles per hour, if the Golf Cart is operated during the daytime and not more than five miles from the location

where the Golf Cart is usually parked and for transportation to or from a golf course.

(b) Town Authorization. In addition to the operation of Golf Carts authorized by State law and described in Section 2(a), Golf Carts may be operated with the Town on highways or streets within the Town which have posted speed limits of not more than 35 miles per hour.

(c) Crossing Highways. A Golf Cart that is being operated pursuant to Section 2(a) or Section 2(b) may 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, pursuant to Section 551.405 of the Texas Transportation Code.

(d) Required Equipment. A Golf Cart that is being operated pursuant to Section 2(b) above must have the following equipment:

- (1) Headlamps;
- (2) Taillamps;
- (3) Reflectors;
- (4) Parking Brake; and
- (5) Mirrors.

(e) Slow-Moving Vehicle Emblem. Pursuant to Section 547.703 of the Texas Transportation Code, a Golf Cart that is being operated pursuant to Section 2(a) or Section 2(b) and is operated at a speed of 25 miles per hour or less shall display a slow-moving vehicle emblem that:

- (1) has a reflective surface designed to be clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet;
- (2) is mounted base down on the rear of the vehicle and at a height that does not impair the visibility of the emblem; and
- (3) is maintained in a clean, reflective condition.

Section 3. Off-Highway Vehicles.

(a) State Law Authorization. Off-Highway Vehicles may be operated in limited areas pursuant to Section 551A.055 of the Texas Transportation Code, as amended. Section 551A.055 currently provides that an operator may operate an Off-Highway Vehicle:

- (1) In a master planned community that has in place a uniform set of restrictive covenants and for which the Town has approved a plat; or
- (2) On a highway for which the posted speed limit is not more than 35 miles per hour, if the Off-Highway Vehicle is operated during the daytime and not more than two miles from the location where the Off-Highway Vehicle is usually parked and for transportation to or from a golf course.

(b) Town Authorization. In addition to the operation of Off-Highway Vehicles authorized by State law and described in Section 3(a), Off-Highway Vehicles may be operated on highways or streets within the Town which have posted speed limits of not more than 35 miles per hour.

(c) Crossing Highways. An Off-Highway Vehicle that is being operated pursuant to Section 3(a) or Section 3(b) may 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, pursuant to Section 551A.056 of the Texas Transportation Code.

Section 4. Penalty.

(a) State Law Violations. Violations of Section 2(a), Section 2(c), Section 2(d), Section 3(a), and Section 3(c) are violations of state law and are punishable as a Class C misdemeanor which could subject the violator to a fine of not less than \$1.00 and not more than \$200.00 pursuant to Section 542.401 of the Texas Transportation Code.

(b) Town Violations. Violations of Section 2(b) and Section 3(b) are Class C misdemeanors punishable by a fine of up to \$500.00.

Section 5. Repeal. Ordinance No. 007-2022, adopted on December 8, 2022, is hereby repealed. All other ordinances or ordinance provisions in conflict with the provisions of this Ordinance are hereby amended to the extent of such conflict.

Section 6. Severability. If any provision of this ordinance or the application of any provision to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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, Texas Govt. Code, Chapt. 551*.

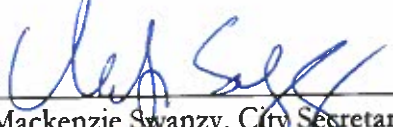
Section 8. Effective Date. This ordinance shall take effect immediately from and after its passage and after publication as required by the Texas Local Government Code.

PASSED AND ADOPTED by the Town Council of the Town of Buffalo Gap, Texas, on this the 13th day of April, 2023.



David L. Perry, Mayor

ATTEST:



Mackenzie Swanzy, City Secretary